

Recent economic developments in Russia and other countries have jeopardized export markets for many U.S. agricultural products. The conferees direct the Secretary to utilize existing authorities including, but not limited to, the Export Enhancement Program, the Food for Progress Program, P.L. 480, and GSM credit programs to facilitate additional sales and donations to maintain and expand export markets.

The conferees recognize that poultry has been one of the primary components of exports to Russia in the past and the Russia has comprised a major portion of the export market for U.S. poultry products. The conferees expect the Secretary to consider the historic composition of export sales to Russia when allocating credits and donations.

The conference agreement includes \$128,000 of the total provided for a representation allowance as proposed by the Senate instead of \$140,000 as proposed by the House. The conferees also provide \$3,500,000 for the Cochran Fellowship Program.

#### PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

The following table reflects the conference agreement for Public Law 480 Program Accounts:

Public Law 480 Program and Grant Accounts	
Title I—Credit sales:	
Program level .....	(219,724,000)
Direct loans .....	(203,475,000)
Ocean freight differential .....	(16,249,000)
Title II—Commodities for disposition abroad:	
Program level .....	(837,000,000)
Appropriation .....	837,000,000
Title III—Commodity grants:	
Program level .....	(25,000,000)
Appropriation .....	25,000,000
Loan subsidies .....	176,596,000
Salaries and expenses:	
General Sales Manager (transfer to FAS) .....	1,035,000
Farm Service Agency (transfer to FSA) .....	815,000
Subtotal .....	1,850,000
Total, Public Law 480:	
Program level .....	(1,081,724,000)
Appropriation .....	1,056,695,000

The conferees are concerned that Agency for International Development (AID) and Title II operational policies are not fully meeting both statutory mandates and the program's primary humanitarian objective of providing U.S. agricultural products and commodities for feeding the needy worldwide. While encouraged by recent aid commitments to increase relief-type feeding programs, the conferees expect AID, to the extent practicable, in utilizing the funds provided herein, to ensure that the non-emergency programs, including monetization programs, comply with the statutory requirement that 75% of the commodities provided be in the form of highly nutritious value-added agricultural commodities.

#### TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### FOOD AND DRUG ADMINISTRATION SALARIES AND EXPENSES

The conference agreement includes a direct appropriation of \$1,103,140,000 for the salaries and expenses of the Food and Drug Administration, instead of \$998,340,000 as proposed by the House and \$1,062,642,000 as proposed by the Senate.

The following table reflects the conference agreement:

Food Safety & Applied Nutrition .....	\$231,580,000
Human Drugs .....	200,305,000
Biologics .....	96,279,000
Animal Drugs and Feeds ...	41,973,000
Devices & Radiological Products .....	145,736,000
National Center for Toxicological Research .....	31,579,000
Tobacco .....	34,000,000
Rent and related activities .....	25,855,000
Other activities .....	80,694,000
Rental Payments to GSA ..	82,866,000
Subtotal .....	970,867,000
Prescription Drug User Fees <sup>1</sup> .....	132,273,000
Total .....	1,103,140,000

<sup>1</sup>Of the total \$132,273,000 in PDUFA collections, \$91,676,000 is for Human Drugs, \$28,816,000 is for Biologics, \$6,353,000 is for other activities, and \$5,428,000 is for payments to the General Services Administration.

The conference agreement includes an increase of \$2,500,000 for the Office of Cosmetics and Color; \$500,000 to begin development of a new approval process for food packaging materials; \$1,000,000 for the Office of Generic Drugs; and \$250,000 for the Office of Seafood Inspection. Within the amount for the Office of Seafood Inspection \$200,000 is for a grant to the Interstate Shellfish Sanitation Commission.

The conference agreement includes an increase of \$25,000,000 for the Food Safety Initiative. The FDA should use \$24,500,000 for increased food inspection and \$500,000 for research at the National Center for Toxicological Research.

The conferees expect the FDA to publish a proposed rule concerning the use of foreign marketing data in the review of new sunscreen active ingredients in the sunscreen over-the-counter drug monograph. The conferees expect the proposed rule will be published not later than June 1, 1999.

The conferees note that the Food and Drug Administration will soon consider a citizen petition requesting approval of disjunctive labeling for surimi. The conferees strongly urge the agency to act in an expeditious manner to propose a rule in response to the petition, but in no case shall the FDA propose such a rule later than six months after the receipt of the citizen petition, nor shall the agency finalize such a rule later than twelve months after the receipt of the citizen petition.

Included within the amount is \$700,000 for the Clinical Pharmacology program. The conferees expect these funds to be used for competitive grants.

The conferees note that recent court decisions (Mova Pharmaceutical Corp. v. Shalala, 104 F.3d 1061 (D.C. Cir. 1998); Granutec, Inc. v. Shalala, No. 97-1873 and No. 97-1874, 1998 U.S. App. LEXIS 6685 (4th Cir. Apr. 3, 1998)) have invalidated an element of the Food and Drug Administration's regulations regarding the 180-day exclusivity period for first applicants under section 505(j)(5)(B)(iv) of the Federal Food, Drug, and Cosmetic Act. The conferees strongly urge the FDA to use the funds provided to issue new regulations and guidance for industry to fulfill the intent of the Generic Drug Act (Waxman/Hatch) for the broadest possible availability of generic drugs to consumers consistent with the Act.

##### BUILDINGS AND FACILITIES

The conference agreement provides \$11,350,000 for Food and Drug Administration Buildings and Facilities as proposed by the House instead of \$12,350,000 as proposed by the Senate.

The conference agreement provides \$3,000,000 for construction of Phase III at the National Center for Toxicological Research as proposed by the House instead of \$4,000,000 as proposed by the Senate. The conferees expect these funds, in addition to any Phase II remaining balances, to be sufficient to initiate Phase III construction.

##### RENTAL PAYMENTS

The conference agreement provides \$88,294,000 for FDA rental costs in the salaries and expenses account as proposed by the Senate. The House proposed these funds in a separate account.

##### INDEPENDENT AGENCIES

##### COMMODITY FUTURES TRADING COMMISSION

The conference agreement provides \$61,000,000 for the Commodity Futures Trading Commission as proposed by the Senate instead of \$62,140,000 as proposed by the House.

##### FARM CREDIT ADMINISTRATION

##### LIMITATION OF ADMINISTRATIVE EXPENSES

The conference agreement adopts the limitation of \$35,800,000 on the expenses of the Farm Credit Administration as proposed by the House. The Senate bill had no limitation on expenses.

##### TITLE VII—GENERAL PROVISIONS

Senate Section 705.—The conference agreement includes language (Section 705) proposed by the Senate to allow up to \$2,000,000 for costs associated with collocation of APHIS regional offices to remain available until expended.

House Section 710.—The conference agreement does not include language proposed by the House that limits agencies' reimbursement to General Services Administration for costs for rental space.

House Section 716 and Senate Section 715.—The conference agreement includes language (Section 715) proposed by the House that allows the Grain Inspection, Packers and Stockyards Administration to use cooperative agreements to carry out programs.

Senate Section 716.—The conference agreement includes language that allows the Natural Resources Conservation Service to use contracts, grants or cooperative agreements for goods or services.

Senate Section 717 and House Section 718.—The conference agreement includes language (Section 718) proposed by the Senate that permanently prohibits funds of the Market Access Program from being used to promote mink product exports.

House Section 719 and Senate Section 718.—The conference agreement includes language (Section 719) to allow up to \$1,800,000 for expenses of advisory committees, panels, commissions, and task forces. The House bill recommended a limit of \$1,400,000 and the Senate bill recommended a limit of \$1,350,000.

Senate Section 722.—The conference agreement includes language (Section 723) to require the approval of the Chief Information Officer for purchases of information technology systems or upgrades by the Department of Agriculture. The language also includes a provision to prohibit any transfers of funds to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriation of both Houses.

House Section 724.—The conference agreement does not include language relating to common support services. The conferees concur that the Department has sufficient authority to carry out such a program.

Senate Section 724.—The conference agreement modifies language (Section 727) to prohibit contract acreage payments to a producer who plants wild rice on contract acreage unless the contract payment is reduced

by an acre for each contract acre planted to wild rice. The agreement deletes the Senate provision that made this permanent law.

Senate Section 725.—The conference agreement includes language (Section 728) that names the National Rice Germplasm Evaluation and Enhancement Center the "Dale Bumpers National Rice Research Center."

Senate Section 726.—The conference agreement includes language (Section 729) proposed by the Senate to allow the Secretary of Agriculture to transfer, subject to reprogramming requirements, up to \$26,000,000 for authorized programs to benefit the Lower Mississippi Delta Region. This amount should include any and all funds provided to that region as part of the total.

House Section 725 and Senate Section 727.—The conference agreement includes language (Section 725) to prohibit funding for the Fund for Rural America.

House Section 726.—The conference agreement does not include language proposed by the House that prohibited funding for the Wildlife Habitat Incentive Program.

House Section 727.—The conference agreement includes language (Section 726) proposed by the House that limits funding for the Environmental Quality Incentives Program to \$174,000,000.

House and Senate Section 728.—The conference agreement includes language (Section 730) to limit acreage enrolled in the Wetlands Reserve Program to 120,000 acres as proposed by the Senate. The House proposed a limit of 130,000 acres.

House and Senate Section 729.—The conference agreement includes language (Section 731) to limit funding for The Emergency Food Assistance Program to \$90,000,000 as proposed by the House instead of \$80,000,000 as proposed by the Senate.

Senate Section 730 and House Section 739.—The conference agreement includes language (Section 740) that prohibits funding for the Conservation Farm Option Program as proposed by both the House and Senate.

House Section 730.—The conference agreement includes language (Section 732) that prohibits funding for the Initiative for Future Agricultural and Food Systems (P.L. 105-185) as proposed by the House.

Senate Section 731.—The conference agreement includes language (Section 743) proposed by the Senate that amended Public Law 102-237 with regard to control of the brown tree snake.

House Section 731.—The conference agreement includes language (Section 733) proposed by the House to make the City of Big Spring, Texas eligible for rural housing programs.

House Section 732.—The conference agreement includes language (Section 734) that makes the municipality of Carolina, Puerto Rico eligible for grants and loans administered by the Rural Utilities Service.

Senate Section 732.—The conference agreement includes language (Section 744) as proposed by the Senate that makes funds in this or any other Act available for financial and technical assistance for the purpose of constructing the Franklin County Lake Project, Mississippi.

House Section 734 and Senate Section 736.—The conference agreement includes language (Section 736) as proposed by the House that does not allow funds from this Act to be used to carry out any commodity purchase program that would prohibit eligibility or participation by a farmer-owned cooperative.

Senate Section 733.—The conference agreement includes language (Section 745) that makes the cost share requirement for Alaska water and wastewater loan and grants 25% and the authorized level \$20,000,000.

Senate Section 735.—The conference agreement includes language (Section 746) as pro-

posed by the Senate that prohibits the Food and Drug Administration from closing or relocating the Division of Drug Analysis in St. Louis, MO.

House Section 735.—The conference agreement includes language (Section 737) as proposed by the House that amends the technical definition of the word "antibacterial" in the Federal Food, Drug, and Cosmetic Act.

House Section 736.—The conference agreement includes language (Section 738) as proposed by the House that prohibits funds from being used to issue a final rule to implement the amendments to the Federal milk marketing orders as required by subsection (a) of the Agricultural Market Transition Act other than during the period February 1, 1999 through April 4, 1999. The conference agreement also modifies the House provision to include language clarifying marketing order reform in the State of California.

House Section 737 and Senate Section 738.—The conference agreement does not include language proposed by both the House and Senate related to sanctions for the sales of agricultural products. A similar provision has been enacted into law.

Senate Section 737.—The conference agreement includes language (Section 747) proposed by the Senate which requires the Secretary of Agriculture to inspect and certify agricultural processing equipment and to impose a fee for the inspection and certification in a manner that is similar to the inspection and certification of agricultural products under the Agricultural Marketing Act of 1946.

House Section 738.—The conference agreement includes language (Section 739) which requires that when the Secretary of Agriculture announces the basic formula price for milk, the Secretary shall include in the announcement an estimate of the costs incurred by milk producers to produce milk in the different regions of the United States.

Senate Section 739.—The conference agreement includes language (Section 748) as proposed by the Senate to prohibit funds from being used to require a producer to pay an administrative fee of 10 per cent for catastrophic insurance protection. The language also makes the provision permanent law.

House Section 740 and Senate Section 761.—The conference agreement includes bill language (Section 741) that waives the statute of limitations on non-employment complaints of discrimination in certain programs of the Department of Agriculture.

Senate Section 741.—The conference agreement includes language (Section 749) as proposed by the Senate that mandates the indefinite continuation of a personnel management demonstration project.

House Section 741.—The conference agreement does not include language as proposed by the House that provides that the Secretary may not deny certain guarantees in housing on the basis that the interest on the loan for which the guarantee is sought is exempt from inclusion in gross income for purposes of Chapter 1 of the Internal Revenue Code of 1986. This provision has been authorized in other legislation.

Senate Section 742.—The conference agreement does not include language proposed by the Senate that extends the authorization of certain provisions of the Housing Act of 1949. These provisions have been authorized in other legislation. The conference agreement provides language (Section 750) making foreign national employees of the Foreign Agricultural Service, killed or injured in the bombings of the U.S. embassies in Kenya and Tanzania, eligible for certain types of compensation.

Section 742.—The conference agreement includes language that makes the Secretary of

Agriculture liable for compensatory damages to farmers who are found to have been discriminated against under any farm loan program or activity conducted by the USDA in violation of section 504 of the Rehabilitation Act of 1973.

House Section 742.—The conference agreement does not include language to prohibit the Food and Drug Administration from using funds for the testing, development, or approval of any drug for the chemical inducement of abortion.

Senate Section 743.—The conference agreement does not include bill language as proposed by the Senate requiring a review of methyl bromide alternatives research. The House bill had no similar provision. The conferees expect the Agricultural Research Service to conduct a review of the methyl bromide alternatives research conducted by the Department. The review should include: (1) the total amount of funds expended by the Department for methyl bromide alternatives research for each fiscal year 1990 to 1997 and estimates for fiscal years 1998 and 1999, including a description of how funds are distributed and utilized; (2) descriptions of plot and field scale testing of methyl bromide alternatives conducted in fiscal years 1990 through 1998, including: (a) total amount of funds expended for plot and field scale testing; and (b) the results of the testing and the impact of the results on future research; and (3) a description of the variables that impact the effectiveness of methyl bromide alternatives and the Department's strategy for addressing them.

The conferees expect the Department to submit a report describing the results of its review to the appropriate committees of both Houses of Congress not later than 180 days after enactment of this Act.

Senate Section 744.—The conference agreement does not include language proposed by the Senate regarding the need to provide drought relief in Texas. The conference agreement includes language related to all agriculture disasters in Titles XI—XIII.

Senate Section 745.—The conference agreement includes language (Section 751) proposed by the Senate that amends the 1985 farm bill to exempt 30-year easements from payment limitations for the Wetlands Reserve Program.

Senate Section 746.—The conference agreement includes language (Section 752) proposed by the Senate that acceptance of Wetlands Reserve Program bids may be in proportion to landowner interest expressed in program operations.

Senate Section 748.—The conference agreement includes language (Section 754) proposed by the Senate that prohibits funds from being used to prepare a budget submission to Congress that assumes reductions from the previous year's budget due to user fee proposals unless the submission also identifies spending reductions which should occur if the user fees are not enacted.

Senate Sections 747 and 752.—The conference agreement includes language (Section 753) that makes several technical corrections to the Agriculture Research, Extension, and Education Reform Act.

Senate Section 749.—The conference agreement does not include language to establish a pilot program to permit haying and grazing on conservation reserve land.

Senate Section 750.—The conference agreement includes language proposed by the Senate (Section 755) that amends the Agricultural Marketing Act of 1946 regarding shipment of shell eggs and mandates a report on egg safety and repackaging.

Senate Section 751.—The conference agreement does not include the sense of the Senate provision regarding economic hardships faced by agricultural producers and rural

communities. The conference agreement includes language related to agriculture disasters in Titles XI—XIII.

Senate Section 753.—The conference agreement does not include language proposed by the Senate that exempts food, other agricultural products, medicines and medical equipment from export control sanctions except where the country repeatedly provided support for the acts of terrorism.

Senate Section 754.—The conference agreement does not include language proposed by the Senate regarding mandatory price reporting. Mandatory price reporting language is included in section 1127 of title XI of this Act.

The conferees direct the Secretary of Agriculture to take steps to increase the voluntary reporting of fed cattle, and wholesale beef carcass prices and volumes on a quality and yield grade basis, as well as the prices and volumes of boxed beef (on carcass equivalent basis) sales by quality grades and trim categories, on a daily basis. These reports may include all domestic and international forward sales for delivery period currently reported, prices for branded products, sales delivered as priced basis to a futures contract, sales of less than carlot volume and formulated sales. The Secretary shall encourage the reporting of the price differential for USDA Prime, the upper  $\frac{1}{3}$  of USDA Choice, and a sub-select price category. Reports should include imported beef products and livestock.

With regard to lamb, the conferees direct the Secretary of Agriculture to expand current voluntary reporting of live lamb and wholesale lamb carcass prices and volumes on a yield grade basis, as well as the prices and volumes of boxed lamb and other fabricated lamb cut sales. Price should be reported on a weekly basis, for the period currently reported, and should include prices for certified and branded products, sales of less than carlot volume and formulated sales. Reports should include imported lamb products.

The Secretary of Agriculture shall compile and publish price, volume sales, and the shipment information regarding all exports and imports of beef, veal, lamb and products thereof which is collected via the expanded voluntary process. The livestock, carcass, boxed product, primal, sub-primal and other meat cut descriptions currently being used by AMS Market News Service should serve as a basis for describing and reporting imported and exported products for price and volume purposes. The Secretary shall also standardize AMS price reporting data collection activities to ensure uniformity and complete sales data capture and to maximize the information available to all aspects of the industry. The Secretary shall report to Congress on the feasibility or need for mandatory price reporting. The Secretary shall encourage the information to be reported not later than one week after the end of the week during which exports occurred consistent with the advanced notice of rule-making published by USDA during 1997.

Senate Section 755.—The conference agreement does not include language related to metered dose inhalers. The House bill had no similar provision. The conferees note the Senate's interest in a transition from the use of chlorofluorocarbons (CFCs) in metered-dose inhalers (MDIs) to less environmentally damaging substances, as required by international treaty. The use of CFCs has been shown to be harmful to the atmospheric ozone layer, which protects humans from skin cancer, although the magnitude of the environmental impact of the amount of CFCs used in MDIs is unclear. Metered-dose inhalers, which contain CFCs as propellants, are used primarily for the treatment of asthma

and other chronic pulmonary disorders. Asthma and pulmonary patients and physicians rightfully believe that the Food and Drug Administration (FDA) must consider their concerns, as well as the need to have a range of suitable substitutes in place before current products are withdrawn from the market, as the agency moves forward with a proposal to manage the transition from CFC to non-CFC products. At the same time, clear and timely guidance about a transition process is needed by both patients and caregivers. Therefore, the conferees direct FDA to devote the resources necessary to ensure that a proposed rule is issued no later than September 1, 1999.

Senate Section 756.—The conference agreement does not include language proposed by the Senate directing the Secretary, in consultation with the Comptroller General, to submit a report on the Market Access Program (MAP) to the appropriate committees of Congress not later than 180 days after enactment of this Act.

The conferees direct the Secretary to produce a report on the MAP which should include an analysis of the costs and benefits of the program for compliance with OMB circular A-94; estimate the impact of MAP on the agricultural sector, on consumers, and other sectors of the economy in the United States; assess the relation between the priorities and spending levels of programs carried out under MAP and the privately funded market promotion activities undertaken by participants in the programs; and evaluate the additional spending of participants and the amount of export additionally resulting from the MAP.

Senate Section 757.—The conference agreement does not include Sense of the Senate language regarding the economic effect of low commodity prices. The conference agreement includes language regarding agricultural disasters in Titles XI—XIII.

Senate Section 758.—The conference agreement does not include language as proposed by the Senate that amends the law regarding reserve inventories. The conference agreement includes language relating to agricultural disasters in Titles XI—XIII.

Senate Section 759.—The conference agreement does not include language proposed by the Senate that provided for an assessment on tobacco programs and reductions in several Department of Agriculture programs and increased funding for food safety related activities.

Senate Section 760.—The conference agreement (Section 756) modifies Senate Section 760 and reduces the spending cap on computer-related activities funding through the CCC.

Senate Section 762.—The conference agreement does not include language proposed by the Senate to amend the Census of Agriculture Act of 1997. This issue is addressed under the National Agricultural Statistics Service.

Senate Section 763.—The conference agreement includes language (Section 757) as proposed by the Senate that makes certain owners of trees with fire blight eligible for disaster assistance.

Senate Section 764.—The conference agreement does not include language as proposed by the Senate that requires the Secretary of Agriculture to make assistance and information available to the Commission on 21st Century Production Agriculture. The conferees expect the Secretary to assist and cooperate as necessary with the Commission.

Senate Section 765.—The conference agreement does not include bill language requiring country of origin labeling for fresh produce.

The conferees direct the General Accounting Office (GAO) to conduct a comprehensive

study on the potential effects of mandatory country of origin labeling of fresh produce. This report should assess the impact of such mandatory labeling requirements on importers, producers, consumers, and retailers, including a cost/benefit analysis. The report should identify U.S. trading-partner countries which currently have country of origin practices in place, the nature and scope of such practices, and a record of U.S. challenges to those requirements. The GAO report should also address the ability of the Federal government and the public to respond to warnings about the outbreak of food-borne illness arising from imported produce. The final report should be submitted to the Congress no later than six months after the enactment of this Act.

Senate Section 766.—The conference agreement does not include the Sense of the Senate provision that certain programs in the bill receive additional funding in the event that additional allocation becomes available.

Senate Section 767.—The conference agreement does not include a provision requiring creation of a new Office of the Small Farms Advocate as provided in the Senate bill. The conferees believe that better management of existing programs within the Department, generally, would result in a more efficient and effective use of limited resources as they apply to small farms and other considerations. Accordingly, the conferees urge the Secretary to coordinate activities and to encourage policy considerations within existing programs of the Department that promote the needs of small farm operators and that may help reverse the unwarranted decline in small farm operations.

Senate Section 768.—The conference agreement does not include Senate language addressing the inadvertent planting of ineligible beans. The conferees are aware that there may be instances in which producers, in good faith or in reliance on information provided by agricultural consultants, inadvertently planted crops in violation of section 118 of the Federal Agriculture Improvement and Reform Act of 1996 (FAIR). The FAIR Act encouraged producers to exercise planting flexibility in order to adapt to new markets and to promote sound conservation and agronomic practices. Accordingly, the Secretary is urged to exercise reasonable treatment of producers in order to avoid harmful consequences.

Senate Section 769.—The conference agreement does not include language as proposed by the Senate that requires a report to Congress on a recommendation to lift the ban on interstate distribution of state inspected meat. The conferees direct the Secretary of Agriculture to report to the House and Senate Committees on Appropriations by March 1, 1999, with recommendations on lifting the ban on the interstate distribution of State-inspected meat.

Senate Section 770.—The conference agreement includes language under Title VIII regarding loans to borrowers who have received debt forgiveness.

Senate Section 771.—The conference agreement does not include language related to the definition of family farm.

Senate Section 772.—The conference agreement includes language under Title VIII regarding the basis for denial of loans.

Senate Section 773.—The conference agreement does not include language as proposed by the Senate that amends the Federal Food, Drug, and Cosmetic Act regarding medical drug and device recalls.

Section 759.—The conference agreement includes language proposed by the House to make the city of Vineland, New Jersey eligible for programs administered by the Rural Housing Service and the Rural Business-Cooperative Service.

Section 760.—The conferees include language that places a moratorium on the rule-making authority of the Commodity Futures Trading Commission (CFTC) over swaps and derivatives until March 30, 1999. The conferees do not intend to preclude the CFTC's participation in the President's Working Group on Financial Markets. Further, the conferees do not intend to preclude the Commission from taking action pursuant to any determination by the President's Working Group on Financial Markets regarding regulatory restraints with respect to qualifying hybrid instruments and swap agreements.

In light of recent market events, including the need for financial rescue measures to avert the collapse of a large hedge fund, the conferees strongly urge the President's Working Group on Financial Markets to undertake an immediate review and study of over-the-counter transactions of entities such as hedge funds and their relationships with their creditors. This provision would not interfere with the Commission's ability to take action in furtherance of any determination by the President's Working Group.

Section 761.—The conference agreement includes language providing a limitation on the use of funds to carry out section 612 of Public Law 105-185.

Section 762.—The conference agreement includes language amending section 136 of the Agricultural Market Transition Act (7 U.S.C. 7236) by striking "1.25 cents" each place it appears in subsection (a) and (b) and inserting "3 cents".

Section 763.—The conference agreement includes language regarding the distribution of funds made available by section 1124 of subtitle C of Title XI of this Act.

Section 764.—The conference agreement includes language regarding methyl bromide.

Section 765.—The conference agreement includes language that allows permanent employees of the Farm Service Agency county committees employed in fiscal year 1998 to apply for Department of Agriculture civil service vacancies.

Section 766.—The conference agreement provides not to exceed \$15,000,000 for grants in connection with a second round for rural empowerment zone and rural enterprise community program designations.

#### TITLE VIII—AGRICULTURAL CREDIT

The conference agreement includes several changes to agricultural credit laws including eligibility for emergency loans, notification of ineligibility for loans, training requirement exemptions, limitations on amount of farm loans, and cash flow requirements.

#### TITLE IX—INDIA-PAKISTAN RELIEF ACT

The conference agreement adopts Senate language (Title IX) allowing waivers of certain export control laws for India and Pakistan.

#### (SENATE TITLE X)

The conference agreement does not include language proposed by the Senate requiring meat labeling.

The conferees direct the Secretary to conduct a comprehensive study on the potential effects of mandatory country of origin labeling of imported fresh muscle cuts of beef and lamb. The report shall include the impact of such requirements on imports, exports, livestock producers, consumers, processors, packers, distributors and grocers. The report shall also include, but is not limited to, the following: any additional costs to the Federal government which would be incurred as a result of mandatory country of origin labeling of imported fresh muscle cuts of beef and lamb; the projected costs for beef and lamb distributors, retailers or consumers; any projected gains that may result from country of origin labeling of imported fresh

muscle cuts of beef and lamb; and any empirical evidence of benefit or harm, to producers, processors, distributors, retailers or consumers produced by similar labeling programs in other countries. The report shall be submitted to Congress no later than 6 months after the enactment of this Act and shall contain a detailed statement of the findings and conclusions of the Secretary, together with his recommendations for such legislation and administrative actions as he considers appropriate.

The study may also consider the economic effects of exempting imported beef and lamb, including meat produced from animals imported directly for slaughter in sealed trucks and containers, from eligibility for USDA quality grades. The Secretary is directed to differentiate "meat produced from animals in sealed trucks and containers directly for slaughter" from "U.S. production" in all market reports.

#### TITLE X—UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS

The conferees have included bill language that gives the Secretary of Agriculture the authority to create an Under Secretary for Marketing and Regulatory Programs position at USDA.

#### TITLE XI—EMERGENCY AND MARKET LOSS ASSISTANCE

The conference agreement includes funding to provide assistance to agricultural producers who have suffered financial hardship due to adverse weather conditions and loss of markets.

The conference agreement provides \$1,500,000,000 in assistance directed to producers who have incurred losses in the 1998 crop due to disaster. An additional \$875,000,000 is provided to make available assistance to producers who have incurred multiyear losses in the period to include 1998 and preceding crop years. The Secretary may make assistance available for crop losses due to losses in quantity, quality or severe economic losses due to damaging weather or related conditions.

The conference agreement requires that producers receiving crop loss assistance who have not purchased crop insurance for the 1998 crop shall agree to purchase crop insurance for the 1999 and 2000 crops produced by the producers.

The conference agreement makes available \$200,000,000 to provide livestock feed assistance to livestock producers affected by disasters during calendar year 1998.

The conferees have granted the Secretary broad authority to create and implement a crop loss assistance program with the funds made available. This will allow the Secretary to complete an assessment of 1998 crop losses and provide the maximum flexibility to expedite the delivery of assistance.

The conference agreement provides \$3,057,000,000 to partially compensate producers for loss of markets in 1998 due to circumstances beyond their control, such as regional economic dislocation, unilateral trade sanctions and failure of the government to pursue trade opportunities aggressively. Payments shall be proportional to the amount of the production flexibility contract payment made to producers in fiscal year 1998.

#### TITLE XII—BIODIESEL

The conference agreement includes language that creates a biodiesel program. The Senate bill included similar language.

#### TITLE XIII—EMERGENCY APPROPRIATIONS

The conference agreement includes additional funding for emergency related costs including \$40,000,000 for salaries and expenses

for the Farm Service Agency, to carry out Title XI of this Act, \$31,405,000 for subsidy costs for additional operating loans for a total loan amount of \$540,510,000, \$3,000,000 for the Dairy Production Disaster Assistance Program and \$10,000,000 for the Forestry Incentives Program.

The conference agreement makes available \$200,000,000 to dairy producers in a manner to be determined by the Secretary of Agriculture.

Any market loss payments made under authority of this legislation shall not be treated as a contract (AMTA) payment for purposes of section 115 of Title I of the Federal Agriculture Improvement and Reform Act of 1996 or section 1001, paragraphs (1) through (4), of the Food Security Act of 1985.

To ensure timely delivery of market loss payments to eligible producers and owners, the conferees urge the Secretary to make the payments available under the same terms and conditions as 1998 contract payments provided these payments are excluded from the provisions of section 115 of title I of the Federal Agriculture Improvement and Reform Act of 1996 and section 1001, paragraphs (1) and (4), as amended, of the Food Security Act of 1985. It should not be necessary to require eligible owners and operators to file new contracts or redesignate shares in order to receive market loss payments.

The agreement includes \$50,000,000 for emergency disaster assistance to persons or entities who have incurred losses from a failure under section 312(a) of P.L. 94-265, \$5,000,000 for cotton warehouse losses, temporary recourse loans for honey and mohair, and adjustments to crop insurance for raisin producers. The conference agreement includes language providing additional funds for the Food for Progress program.

The conferees direct the Farm Service Agency to take into consideration the history of flooding in a watershed in determining emergency conservation program eligibility in Vermont.

The conferees expect the Secretary of Agriculture to extend for two years the time period that a participant in the Conservation Reserve Program (CRP) has for completion of pruning, thinning, and stand improvement of trees on lands subject to a contract under CRP. Such pruning, thinning, or stand improvement activities are otherwise required to be completed under the contract in 1998 or 1999.

The conferees expect the Secretary of Agriculture to provide guaranteed loans for purposes of installing irrigation systems if a farmer operates a farm within an area that has been declared an agricultural disaster due to drought conditions.

The conferees understand that in addition to the devastating forest fires that occurred in Florida earlier this year, the drought in Texas has also had a significant impact on timber production and forest health. The conferees also understand that it may take several planting seasons to complete the reforestation due to lack of available planting stock.

The conferees are concerned about the weather-related crop losses that have devastated New York State fruit and onion growers in 1998. The Secretary shall make funding available to assist producers who have incurred losses during the 1998 crop year to fruit crops and to the trees and vines on which those fruit crops are produced.

The Secretary is also directed to develop a crop disaster assistance program suitable for the New York State fruit and onion growers. The Secretary shall provide financial assistance to apple producers proportioned according to their volume of apples sold in fresh, processing and juice markets, based on 1997 marketing data, and shall not deduct a

salvage value when the cost of harvesting a crop in that marketing category approximates the 1998 cash market value at the time of harvest.

The Secretary shall make eligible for the Emergency Conservation Program fruit drops in orchards as well as replacement of trellises in orchards and vineyards that were damaged by storms.

The managers direct that in carrying out the disaster relief activities funded by this conference agreement, the Secretary of Agriculture shall give particular attention to assessing and meeting the needs of Puerto Rico and the United States Virgin Islands following Hurricane Georges. The Secretary should take all necessary steps to help the territories recover from the 1998 hurricane season and restore their agricultural economies, such as covering losses in livestock and non-program crops, including but not limited to coffee, bananas, and tropical fruits.

The conference agreement includes language that provides for a domestic market reporting pilot program and an export market reporting pilot investigation. The conferees expect the Secretary to utilize any previously collected data to the maximum extent practicable in implementing this section. Nothing in this section shall be construed as requiring the reporting of information relating to feeder cattle.

#### TITLE XII—BIODIESEL

The conference agreement includes language that creates a biodiesel program. The Senate bill included similar language.

#### TITLE XIII—EMERGENCY APPROPRIATIONS

The conference agreement includes additional funding for emergency related costs including \$40,000,000 for salaries and expenses for the Farm Service Agency, \$31,405,000 for subsidy costs for additional operating loans for a total loan amount of \$540,510,000, and \$10,000,000 for the Forestry Incentives Program.

#### CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1999 recommended by the Committee of Conference, with comparisons to the fiscal year 1998 amount, the 1999 budget estimates, and the House and Senate bills for 1999 follow:

New budget (obligational) authority, fiscal year 1998 .....	\$49,793,563,000
Budget estimates of new (obligational) authority, fiscal year 1999 .....	59,567,544,000
House bill, fiscal year 1999 .....	55,883,142,000
Senate bill, fiscal year 1999 .....	56,820,368,000
Conference agreement, fiscal year 1999 .....	61,607,490,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1998 .....	+11,813,927,000
Budget estimates of new (obligational) authority, fiscal year 1999 .....	+2,039,946,000
House bill, fiscal year 1999 .....	+5,724,348,000
Senate bill, fiscal year 1999 .....	+4,787,122,000

#### SECTION 101 (b): DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The conferees on H.R. 4328 agree with the matter inserted in this subsection of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in the House and Senate versions of

H.R. 4276, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, by members of the appropriations subcommittee of both the House and Senate with jurisdiction over H.R. 4276.

The legislative intent in the House and Senate versions in H.R. 4276 is set forth in the accompanying House report (H. Rept. 105-636) and the accompanying Senate report (S. Rept. 105-235).

#### TITLE I—DEPARTMENT OF JUSTICE

##### GENERAL ADMINISTRATION SALARIES AND EXPENSES

The conference agreement includes \$79,448,000 for General Administration, as proposed in the House bill, instead of \$76,199,000 as proposed in the Senate bill.

Within this amount, the conference agreement includes \$8,136,000 for the Department Leadership Program, as proposed in the House bill, instead of \$7,860,000, as proposed in the Senate bill. In addition, the conference agreement includes a provision, as proposed in the House bill, that retains the level of augmentation in the Department Leadership Program to the level that occurred in these offices in fiscal year 1998, which was not included in the Senate bill.

The conference agreement also includes a provision that provides 41 permanent positions and 48 full-time equivalent workyears and \$4,811,000 for the Offices of Legislative Affairs and Public Affairs, as proposed in the House bill, instead of 39 permanent positions and 39 full-time equivalent workyears and \$4,660,000, as proposed in the Senate bill.

The conference agreement includes a provision that provides the Attorney General the authority to transfer forfeited property of limited value to a State or local government or its designee for certain community-based programs, subject to reprogramming requirements, as proposed in the Senate bill. The House bill included a similar provision in Section 109. The House and Senate report language with respect to the study of Justice issues in Alaska, the transfer of \$5,000,000 to the Justice Management Division, and the House report language with respect to the Immigration and Naturalization Service is adopted by reference.

##### JOINT AUTOMATED BOOKING SYSTEM

The conference agreement does not include \$10,000,000 in a separate account to fund the Joint Automated Booking System, as proposed in the Senate bill. This is an activity which may be funded in fiscal year 1999 with Super Surplus funds available under the Assets Forfeiture Fund, as proposed in the House bill. In future years, it is expected that additional funding will be proposed as a separate account.

##### NARROWBAND COMMUNICATIONS

The conference agreement does not include new direct appropriations for this Fund. Instead, the conference agreement assumes that up to \$23,396,000 may be derived from Super Surplus balances in the Assets Forfeiture Fund to establish this Fund to be under the control of the Attorney General.

Of the total amounts available in the Fund in fiscal year 1999, the Attorney General is expected to use up to \$5,552,000 to establish a Department-wide narrowband program office and to conduct a baseline technical assessment of wireless communications to support Department-wide conversion in order to maximize opportunities for interoperability and resource sharing. In accordance with the direction included in both the House and Senate reports, the Attorney General is expected to submit a narrowband conversion master plan to the Committees on Appropriations no later than December 1, 1998. In addition, the Attorney General is expected

to ensure that Department of Justice components comply with the direction included in the Senate report with respect to the purchase of communications equipment.

##### COUNTERTERRORISM FUND

The conference agreement includes \$145,000,000 in direct appropriations for the Counterterrorism Fund, instead of \$89,200,000 as proposed in the House bill and \$193,999,000 as proposed in the Senate bill.

The conference agreement includes \$10,000,000 from the Counterterrorism Fund for the National Critical Infrastructure Protection Center (NIPC), instead of \$19,999,000 proposed in the Senate bill. The NIPC was established in fiscal year 1998 as the Computer Intrusion Threat Assessment Center (CITAC). The House bill did not propose funding NIPC from the Fund, but instead provided resources under the Federal Bureau of Investigations (FBI) Salaries and Expenses account. The conference agreement appropriates a total of \$43,542,000 for the NIPC, \$28,677,000 above the fiscal year 1998 level, of which \$10,000,000 is provided in this account and \$33,542,000 is provided in the FBI Salaries and Expenses account. Should funds become available in the Department of Justice Working Capital Fund, the Attorney General is encouraged to provide additional support to the NIPC, if warranted.

The conference agreement does not include provisions, recommended in the Senate bill, to expand the use of the Fund to reimburse other Federal agencies for their operational costs associated with participation in the NIPC, as such action is inconsistent with the manner in which other interagency activities, such as the FBI's Counterterrorism Center, are currently funded. The Department of Justice and other Federal agencies are expected to cooperate to the fullest extent of their authorities and expertise in the response planning, prevention, detection, deterrence and elimination of vulnerabilities to our Nation's critical infrastructure. These agencies are encouraged to ensure that the resources required to protect these critical infrastructures are given a high priority within each agency's programs and initiatives.

In addition, the conference agreement provides \$135,000,000 to continue the initiative begun in fiscal year 1998 to assist States and localities in becoming fully prepared to respond to the increasing threat of chemical and biological attacks resulting from incidents of domestic and international terrorism. In many instances, the Nation's front line response capability for a domestic chemical or biological terrorist incident rests with these agencies, including firefighters, emergency services personnel, law enforcement, bomb technicians, and other emergency response personnel. To ensure that these "first responders" are equipped and prepared to meet this challenge, the conference agreement includes the following:

—*First Responders Equipment Acquisition Program.*—\$75,500,000 to provide personnel protective gear, and detection, decontamination, and communications equipment to be targeted to the 157 largest cities and localities, as well as the States. Of this amount, \$4,000,000 is for equipment for the National Domestic Preparedness Consortium to be distributed as described below under Training; and \$2,000,000 is for transfer to the Office of Justice Programs (OJP) for management and administration of this and other related grant and training programs. The Attorney General is encouraged to use OJP for the administration and management of the equipment purchasing and training programs.

—*Municipal Fire and Emergency Services.*—\$25,000,000 to expand equipment and training programs targeted specifically to municipal

fire and emergency services departments as follows: (1) \$16,000,000 for grants of equipment directly to local fire departments, hazardous materials response teams, and emergency medical services agencies; (2) \$4,000,000 for interoperable radio equipment for local emergency response agencies; and (3) \$5,000,000 for training and assistance to these entities as authorized by section 819 of the Antiterrorism and Effective Death Penalty Act of 1996. This funding is in addition to amounts otherwise available for these agencies under the First Responders Equipment Acquisition program.

—*State and Local Bomb Technician Equipment.*—\$25,000,000 is expected to be provided by the Attorney General for this purpose, should funds be available in the Department of Justice Working Capital Fund.

—*Training.*—\$18,000,000 to support training activities. Of this amount, \$16,000,000 is to support the activities of the National Domestic Preparedness Consortium. The following Consortium members are to receive \$2,000,000 each from these training programs: the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; the National Center for Bio-Medical Research and Training, Louisiana State University; the National Emergency Response and Rescue Training Center, Texas A&M University; and the National Exercise, Test, and Training Center, Nevada test site. Each of these Consortium members are to receive an additional \$1,000,000 from the equipment grant program. Further, the conference agreement includes \$8,000,000 for the Center for Domestic Preparedness, Fort McClellan, AL within the training program. Funding is to be provided by OJP directly to each member of the Consortium. OJP is expected to utilize the Consortium members to the fullest extent possible, including the Consortium members' existing facilities, resources and expertise, to support cooperative programs to achieve cost-effective delivery of equipment, technical assistance, training and situational exercises. To maximize training accessibility, multiple facilities and expertise must be utilized, requiring parallel efforts to be coordinated between OJP and Consortium members.

In addition, the conference agreement appropriates \$2,000,000 from the Fund for State and local law enforcement training activities. Funding for this activity was previously included under the Bureau of Justice Assistance account. The conference agreement does not provide funding in the Fund for State and local bomb technician training, and instead addresses this matter under the FBI Salaries and Expenses account.

—*Situational Exercises.*—\$3,500,000 is for situational exercises to ensure that first responders training includes real-life situations. The conference agreement adopts the recommendation and direction included in the Senate report regarding a Topoff exercise.

—*Technical Assistance/Needs Assessment.*—\$3,000,000 for technical assistance and a needs assessment, of which \$1,000,000 shall be used to conduct a needs assessment in accordance with the direction in the House report. The Attorney General is expected to provide the results of this assessment to the House and Senate Committees on Appropriations no later than March 1, 1999.

—*Counterterrorism Technologies.*—\$10,000,000 for the development of technologies to help State and local law enforcement combat terrorism, as authorized by section 821 of the Antiterrorism and Effective Death Penalty Act of 1996. The Attorney General is expected to follow the guidance included in the Senate report regarding simulations of dispersion and deposition of chemical and biological aerosols.

In addition to the amounts provided in this bill, unobligated balances of \$26,782,915 remain available from previous appropriations for authorized purposes of this Fund. The Attorney General should utilize \$1,000,000 from these balances for an alternative crisis management/relocation facility to carry on essential Department functions in the event the Department, or one of its components, is denied access to its facility for various reasons, such as a terrorist act.

As directed in the fiscal year 1998 conference report, the Attorney General is expected to submit a comprehensive 5-year interdepartmental counterterrorism and technology crime plan no later than December 31, 1998. This plan will cover a broad range of topics encompassing the Nation's efforts to prevent and deter terrorist attacks, as well as manage a crisis created by a terrorist incident. The Attorney General and other department and agency heads who participated in this comprehensive effort are to be commended for their efforts. This plan will serve as a baseline strategy for coordination of a national policy and operational capabilities to combat all forms of terrorism.

The conference agreement includes bill language, modified from both the House and Senate bills, setting forth the purposes for which the Fund can be used, and making funds available for such purposes. In addition, bill language is not included, as recommended in the Senate bill as Senate Section 117 under general provisions within this title, which would have required submission of the specific dollar amounts budgeted for counterterrorism activities Government-wide with the Analytical Perspectives Volume beginning with the fiscal year 2000 budget request. However, the Attorney General is expected to work with the Office of Management and Budget to ensure that such information is included.

#### TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

The conference agreement does not include funding for the Telecommunications Carrier Compliance Fund to reimburse equipment manufacturers and telecommunications carriers and providers of telecommunications support services for implementation of the Communications Assistance for Law Enforcement Act (CALEA). Neither the House nor Senate bills provided new direct appropriations into the fund. Should funding be necessary in fiscal year 1999, the Attorney General is expected to utilize \$102,580,270 in unobligated balances currently available in the fund.

For the past three years, the Department of Justice and the telecommunications industry have been urged to resolve their differences on the implementation of CALEA. Despite those efforts, CALEA implementation is now almost four years behind schedule because the industry and law enforcement have failed to reach agreement on CALEA technical standards. Since March 1998, the Federal Communications Commission (FCC) has been reviewing those standards as envisioned under CALEA. On September 11, 1998, the FCC issued an order extending the October 25, 1998 statutory compliance date until at least June 30, 2000. The FCC took this action because the final technical standards are still under review. Law enforcement, industry and privacy groups agree that the FCC should define the capability standard for CALEA compliance, as envisioned under CALEA. The FCC is urged to act quickly to resolve this issue.

#### ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement includes \$134,563,000 for Administrative Review and Appeals, as proposed in the House bill, in-

stead of \$41,858,000 as proposed in the Senate bill, of which \$59,251,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF). Of the total amount provided, \$132,963,000 is for the Executive Office for Immigration Review (EOIR) and \$1,600,000 is for the Office of the Pardon Attorney. The recommendation represents the funding necessary to maintain the current level of activities in fiscal year 1999.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$35,610,000 for the Office of Inspector General, instead of \$36,610,000 as proposed in the House bill, and \$33,211,000 as proposed in the Senate bill.

The \$1,000,000 increase in funding over the budget request shall be available for expenditure only upon submission of a report as to the level of fiscal year 1998 spending and compliance with anti-deficiency requirements.

There is concern that Department employees accused of wrongdoing are not enjoying the swift justice that is every citizen's right. From fiscal years 1996 to 1998, the average closure rate for Inspector General investigations climbed from 6 to 9 months. The Inspector General is urged to refer cases to the appropriate component of the Department as necessary to keep its average closure rate for investigations at no more than 180 days. A report is requested by January 31, 1999 describing the steps the Department and the Inspector General are taking to meet this timetable, and recommending any improvements in the process that are required.

#### UNITED STATE PAROLE COMMISSION

##### SALARIES AND EXPENSES

The conference agreement includes \$7,400,000 for the U.S. Parole Commission, as proposed in the House bill, instead of \$7,969,000 as proposed in the Senate bill. Funding is provided in accordance with the House report.

#### LEGAL ACTIVITIES

##### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes \$475,000,000 for General Legal Activities instead of \$470,425,000 as proposed in the House bill and \$485,511,000 as proposed in the Senate bill, of which \$8,160,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in the House bill.

The amount in the conference agreement includes the following program increases: (1) \$465,000 for the Criminal Division to improve coordination of interagency and bilateral U.S./Mexico efforts to combat drug trafficking; (2) \$1,000,000 for the Criminal Division for online obscenity prosecutions; (3) \$2,000,000 for the Office of Special Investigations to maintain the pace of prosecutions while supporting the Nazi war criminal records interagency working group; (4) \$1,007,000 for the Civil Rights Division to increase enforcement and mediation activities under the Americans with Disabilities Act.

In addition, within the amounts provided for the Criminal Division, \$4,089,000 shall be for cybercrime prosecutions. Within the amount provided for the Environment and Natural Resources Division, \$3,431,000 shall be used to defend claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), \$706,000 shall be used for vessel pollution prosecutions, and \$523,000 shall be used for CFC smuggling prosecutions. The conference agreement allows \$17,834,000 to remain available until expended for office automation costs. No funds are provided under this account for the Joint Center for Strategic Environmental Enforcement, including base funds, as proposed in the Senate bill.

The conference agreement recognizes that the Department requires additional resources to defend against claims under the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA), and that the Department will seek to have these costs paid from the FSLIC Resolution Fund (FRF). In the event that FRF resources are not available, additional costs of FIRREA litigation may have to be paid from this account, which could have a dramatic impact on the ability of the Department to carry out its other priority missions. Therefore, the Administration is encouraged in its efforts to find a solution to the funding requirements of FIRREA litigation that avoids such impacts.

The conference agreement does not include bill language providing that funds in this account may be used for annual costs of U.S. participation in law-based international organizations as was proposed in the Senate bill.

The conference agreement includes language directing the Attorney General to transfer \$813,333 from funds available in the Department of Justice to the Presidential Advisory Commission on Holocaust Assets in the United States subject to reprogramming requirements, as proposed in the House bill.

#### THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The conference agreement includes a reimbursement of \$4,028,000 for fiscal year 1999 from the Vaccine Injury Compensation Trust Fund to the Department of Justice, as proposed in both the House and Senate bills.

#### SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement provides \$98,275,000 for the Antitrust Division, as proposed in both the House and Senate bills. The conference agreement assumes that of the amount provided, \$68,275,000 will be derived from fees collected in fiscal year 1999, and \$30,000,000 will be derived from estimated unobligated fee collections available from 1998, resulting in a net direct appropriation of \$0.

The conference agreement does not include language, as proposed in the Senate bill, repealing a proviso in the fiscal year 1998 bill making excess fee collections available in the subsequent fiscal year.

The conference agreement also does not include language, as proposed in the House bill, making fee collections in excess of \$68,275,000 available until expended but not until October 1, 1999. It is intended that any excess fee collections shall remain available for the Antitrust Division in future years.

#### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes \$1,090,378,000 for the U.S. Attorneys, as proposed in the House bill, instead of \$1,083,642,000 as proposed in the Senate bill, of which \$80,698,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of \$51,231,000 as proposed in the House bill, and no funding as proposed in the Senate bill.

Funding is provided for the following: \$8,912,000 as a program increase above base funding as proposed in the House bill for 64 attorneys and 32 support staff to increase drug prosecutions; and from within base resources, the following, as proposed in the Senate bill: \$3,630,000 for cybercrime prosecutions; \$14,782,000 for the National Advocacy Center, as proposed in the budget; \$1,000,000 for a violent crime task force demonstration project to investigate and prosecute perpetrators of Internet sexual exploitation of children to be administered under the auspices of Operation Streetsweeper; \$1,000,000 for computer and equipment upgrades at the National Advocacy Center; \$1,500,000 to hire

additional assistant U.S. Attorneys and investigators in the city of Philadelphia and \$800,000 for the same purpose in Camden County, New Jersey, as a focused demonstration project to enforce Federal laws designed to keep firearms out of the hands of criminals and to enhance existing law enforcement efforts.

The Executive Office of U.S. Attorneys is expected to report on new approaches to the deployment of resources, as set forth in the Senate report, and is encouraged to examine whether resources dedicated to the oversight of the International Brotherhood of Teamsters election can be redeployed to restoring the rule of law on Indian reservations.

In addition, the conference agreement includes language providing 9,044 positions and 9,312 workyears for U.S. Attorneys, as proposed in the House bill instead of 8,960 positions and 9,125 workyears, as proposed in the Senate bill. The conference agreement also includes language allowing not to exceed \$2,500,000 for the National Advocacy Center and \$1,000,000 for violent crime task forces to remain available until expended, as proposed in the Senate bill, as well as language setting forth funding for demonstration projects, as proposed in the Senate bill.

#### UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement provides \$114,248,000 in budget (obligational) authority for the U.S. Trustees, to be entirely funded from offsetting fee collections, as proposed in the House bill, instead of \$108,248,000, offset by \$100,000,000 in offsetting fee collections and the balance provided in direct funding, as proposed in the Senate bill. The conference agreement does not include a provision as proposed in the House bill providing that any fees collected in excess of \$114,248,000 will be available for obligation on October 1, 1999 or a provision as proposed in the Senate bill repealing a provision in the fiscal year 1998 Act that made fees collected in excess of \$114,248,000 in fiscal year 1998 available in fiscal year 1999.

#### SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement provides \$1,227,000 for the Foreign Claims Settlement Commission as proposed in the Senate bill, instead of \$1,335,000 as proposed in the House bill, and assumes funding is provided in accordance with the Senate bill.

#### SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The conference agreement includes \$502,609,000 for the U.S. Marshals Service instead of \$503,164,000 as proposed in the House bill and \$501,752,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that \$25,553,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in the House bill, instead of no funds as proposed in the Senate bill.

The amount included in the conference agreement includes program increases of \$512,000 for management and administration to implement and support a variety of cost-reduction initiatives, \$2,850,000 for courthouse security personnel, \$3,268,000 for courthouse security equipment, \$1,565,000 for electronic surveillance unit fugitive apprehension equipment and personnel, and \$250,000 for videoconferencing. If additional resources are required for courthouse security, the U.S. Marshals Service can submit a reprogramming to obtain the additional resources.

The provision in the Senate report calling for a pilot program to pair the Marshals Service with the District of Columbia Metropolitan Police Department to enforce court-ordered evictions and to report back to the

Appropriations Committees is adopted by reference. Further, the failure of the U.S. Marshals Service to conduct a significant percentage of evictions in a timely manner is noted, thus creating unreasonable inconveniences to other participants in the eviction process. The U.S. Marshals Service is directed to report back to the Committees on Appropriations by May 1, 1999 on efforts to correct this problem.

#### CONSTRUCTION

The conference agreement includes \$4,600,000 for a new construction account for the U.S. Marshals Service, instead of \$4,000,000 as proposed in the Senate bill, and \$3,300,000 included in the House bill under Bureau of Prisons, Buildings and Facilities. This amount includes \$600,000 for architectural and engineering services and \$4,000,000 for construction projects as proposed in the Senate report. To the extent that slippages occur, other projects requested in the budget can be undertaken.

#### JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND

The conference report includes requested language establishing a revolving fund for the operation of the Justice Prisoner and Alien Transportation System, as provided in both the House and Senate bills. The conference agreement assumes that funding for the initial capitalization of the Fund is an eligible use of Super Surplus funds available under the Asset Forfeiture Fund, as proposed in the House bill, instead of direct funding of \$10,000,000 proposed in the Senate bill, \$5,000,000 to capitalize the Fund, and \$5,000,000 to purchase a new airplane. Any enhancements to the system in fiscal year 1999, as well as the proposed funding source to pay for them, are expected to be presented to the Appropriations Committees for examination and review.

The conference agreement does not include language amending the definition of public aircraft with respect to JPATS activities, which was proposed in the Senate bill.

#### FEDERAL PRISONER DETENTION

The conference agreement provides \$425,000,000 for Federal Prisoner Detention, as proposed in the House bill, instead of \$407,018,000 as proposed in the Senate bill. The level provided in the conference report plus approximately \$25,000,000 in carryover will provide the level of funding requested in the budget.

#### FEES AND EXPENSES OF WITNESSES

The conference agreement includes \$95,000,000 for Fees and Expenses of Witnesses as proposed in both the House and Senate bills. The conference agreement does not include a provision making not to exceed \$4,000,000 available for a secure automated information network, which was proposed in the Senate bill. The House bill did not include a similar provision. Funding is provided in accordance with both the House and Senate reports.

#### COMMUNITY RELATIONS SERVICE

The conference agreement includes \$7,199,000 for the Community Relations Service, as proposed in the House bill, instead of \$5,319,000 as proposed in the Senate bill. In addition, the conference agreement includes a provision allowing the Attorney General to transfer up to \$500,000 of funds available to the Department of Justice to this program, instead of \$1,000,000 as proposed in the House bill. The Senate bill had no such transfer provision. The Attorney General is directed to report to the Committees on Appropriations of the House and Senate if this transfer authority is exercised.

The conference agreement recognizes that CRS has served the country well as a small,



elite crisis response team dedicated to mediating racially charged civil disputes. There are concerns, however, that CRS will lose its focus, and its skills, if its mission is broadened to include State and local education and training and national disaster planning which is unrelated to an existing condition of racial/ethnic conflict. The conference agreement improves the ability of CRS to execute its core mission, but does not fund education and training or disaster planning.

Close coordination between the Administration and Congress could help to stabilize racially motivated local incidents. As the people's body, Congress must be kept informed when the Administration responds to a domestic crisis. Therefore, the Attorney General is directed to notify the relevant committees whenever requests by local officials prompt the deployment of CRS personnel to mediate civil conflicts.

#### ASSETS FORFEITURE FUND

The conference agreement provides \$23,000,000 for the Assets Forfeiture Fund as proposed in both the House and Senate bills, and assumes funding is provided in accordance with both the House and Senate reports.

#### RADIATION EXPOSURE COMPENSATION

##### ADMINISTRATIVE EXPENSES

The conference agreement includes \$2,000,000 for administrative expenses in accordance with the Radiation Exposure Compensation Act, as proposed by both the House and Senate bills.

##### PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

The conference agreement includes no new appropriations for fiscal year 1999, as proposed by both the House and Senate reports. Carryover is expected to exceed the amount expected to be paid from the fund.

#### INTERAGENCY LAW ENFORCEMENT

##### INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement includes \$304,014,000 for Interagency Crime and Drug Enforcement as proposed in the House bill, the full amount requested, instead of \$294,967,000 proposed in the Senate bill, in accordance with the distribution included in the House report.

The conference agreement includes language proposed in the House bill, not included in the Senate bill, allowing a portion of the funds provided to remain available until expended.

#### FEDERAL BUREAU OF INVESTIGATION

##### SALARIES AND EXPENSES

The conference agreement includes \$2,971,448,000 for the Federal Bureau of Investigation (FBI), instead of \$2,977,258,000 as proposed in the House bill and \$2,956,461,000 as proposed in the Senate bill, of which \$223,356,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of \$215,356,000 as recommended in the House bill, and \$433,124,000 as recommended in the Senate bill. In addition, the conference agreement provides that not less than \$292,473,000 shall be used for counterterrorism investigations, foreign counterintelligence, and other activities related to national security, instead of \$282,473,000 as proposed by the House and \$233,473,000 as proposed by the Senate bill. Further, the FBI is directed to transfer \$10,000,000 in unobligated user fees for fiscal year 1998 to the Department of Justice Working Capital Fund. This statement of managers reflects the distribution of the funding provided in the conference report.

The conference agreement provides \$70,104,000 for requested adjustments to base, including the costs to annualize 429 positions

provided in fiscal year 1998, offset by \$86,783,000 in base reductions for non-recurring costs resulting from reduced requirements necessary to complete the Integrated Automated Fingerprint Identification System (IAFIS) and equipment provided for in fiscal year 1998. Should funds be available in the Working Capital Fund, the Attorney General is expected to provide \$6,000,000 for microwave replacement base funding requirements. The conference agreement includes the following program increases:

**Counterterrorism Initiative.**—Again this year, the conferees have included increases for the FBI to address the increasing threat of domestic and international terrorism, including the growing threats of cybercrime and weapons of mass destruction, building upon the \$157,743,000 Counterterrorism Initiative provided in fiscal year 1998. The conference agreement provides program increases to enhance the FBI's capability to address terrorism, including: (1) \$9,165,000 to support 93 positions (56 agents) and 47 full-time equivalents (FTE), to enable the FBI to establish four additional Computer Intrusion Threat Assessment (CITA) field squads, including \$465,000 to equip these new squads; (2) \$442,000 to support 9 positions and 4 FTE to provide increased coverage for the Watch and Warning Analysis Unit; (3) \$500,000 to support training programs related to computer crime detection; and (4) \$670,000 to provide 6 positions (2 agents) and 3 FTE to enhance the staffing of the Hazardous Materials Response Unit. Additional resources are also included in the Counterterrorism Fund to further augment the FBI's National Information Protection Center (NIPC), previously named the Computer Intrusion Threat Assessment Center (CITAC). Further, should funds be available in the Working Capital Fund, the Attorney General should provide funding for the following purposes: \$4,250,000 to establish an early warning system in the NIPC; \$4,000,000 for chemical and biological detection equipment for FBI bomb technicians and Evidence Response Teams; and \$2,900,000 for training at the Hazardous Devices School. Within the resources available, the FBI is expected to provide \$2,300,000 for ongoing training activities at the Hazardous Devices School, and \$3,200,000 for joint counterterrorism task force operations in fiscal year 1999.

In addition, the FBI is expected to comply with the direction included in the Senate report regarding integration of FBI and Drug Enforcement Administration training.

**Infrastructure Requirements.**—The conference agreement provides an increase of \$42,050,000 and 20 positions to enable the FBI to improve its information systems by re-engineering its investigative, intelligence, and administrative automated data processing systems. This amount is in addition to \$20,000,000 in base funding identified for this requirement, resulting in a total availability of \$62,050,000 for this effort in fiscal year 1999. Of this amount, \$2,050,000 is provided in direct appropriations to provide for additional staffing requirements to implement this initiative. The Attorney General is expected to provide an additional \$40,000,000 from the Working Capital Fund should such funds be available. Further, the Department of Justice and the FBI are directed to follow the direction included in the House report regarding the obligation of funds for this initiative.

**National Instant Criminal Background Check System.**—The conference agreement includes a total of \$42,000,000 for operations of the permanent National Instant Criminal Background Check System (NICS). Of this amount, \$22,000,000 is new direct appropriations. In addition, the Attorney General is expected to provide an additional \$20,000,000

from available balances in the Working Capital Fund to fully fund the costs of the NICS system in fiscal year 1999. The fiscal year 1999 budget request for the FBI included no direct funding for this system, and instead proposed to finance the operation of this system through a user fee. The conference agreement includes a provision under title VI of this Act which prohibits the FBI from charging a fee for NICS checks, and instead provides funding to the FBI for the costs to implement this system. The FBI and the Department of Justice are expected to include funding for the operations of the NICS system in the fiscal year 2000 budget submission. Additionally, the FBI is expected to pursue proposals to increase the number of states serving as points of contact for the NICS system. Criminal justice and other records available for performing background checks at the State level are generally the most complete and readily available records, which would ensure more timely and thorough responses to NICS inquiries.

**Indian Country Law Enforcement.**—The conference agreement includes \$4,657,000 to support 50 positions (30 agents) and 25 FTE to implement two new Safe Trails Task Forces and to enhance four current task forces. Within the amounts provided, the FBI is expected to provide investigative equipment and supplies, operational case funds, and forensic services to support these task forces.

**Housing Fraud Initiative.**—The conference agreement provides \$1,500,000 and 11 positions to support FBI's participation in the Housing Fraud Initiative being conducted by the Department of Housing and Urban Development Inspector General.

**Crimes Against Children.**—The conference agreement includes \$5,204,000 to enhance the FBI's capability to combat child abductions and serial killings. Within this amount, \$3,439,000 is for the child abduction and serial killer unit to enhance staffing, establish a police fellows program for training local investigators, and provide training to State and local law enforcement. In addition, \$1,765,000 is included to enhance staffing of the Violent Criminal Apprehension Program to provide more timely assistance to State and local law enforcement.

**Criminal Justice Services.**—The conference agreement includes an increase of \$8,110,000 for support of Criminal Justice Information Services Division (CJIS) facilities and systems to be allocated in accordance with the direction included in the Senate report. The FBI is expected to allocate sufficient personnel to ensure the timely processing of criminal background checks for school bus drivers and teachers. Bill language is also included, as proposed by the House, designating \$1,500,000 for an independent office for automation of fingerprint services. The Senate bill contained similar language.

**Foreign Counterintelligence Program.**—An increase of \$2,500,000 is provided for the FBI's National Foreign Counterintelligence Program for a counterintelligence investigation enhancement as recommended in the Senate bill. Within available fiscal year 1999 funding, the FBI may implement the additional authorizations contained in the Intelligence Authorization Act for Fiscal Year 1999.

**Violent Crime Reduction Program.**—The conference agreement includes \$223,356,000, derived from the Violent Crime Reduction Trust Fund, for FBI activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, as amended, and the Antiterrorism and Effective Death Penalty Act. From within these funds, the FBI is expected to provide funding in accordance with the direction included in the House report regarding grants for State computerized identification systems and automated fingerprint identification systems, support for



FBI's Combined DNA Identification Systems (CODIS), and support for investigative assistance and training.

#### CONSTRUCTION

The conference agreement includes \$1,287,000 in direct appropriations for construction for the Federal Bureau of Investigation (FBI), as provided for in the Senate bill, instead of \$11,287,000 as proposed in the House bill. The agreement includes the funding necessary to continue necessary improvements and maintenance at the FBI Academy. Should additional funds become available in the Working Capital Fund, the Attorney General should provide \$10,000,000 to continue upgrades to the FBI Academy Firearms Training Facility.

#### DRUG ENFORCEMENT ADMINISTRATION

##### SALARIES AND EXPENSES

The conference agreement includes \$1,205,780,000 for the salaries and expenses of the Drug Enforcement Administration (DEA), instead of \$1,201,290,000 as proposed in the House bill and \$1,209,054,000 as proposed in the Senate bill, of which \$405,000,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in the House bill, instead of \$407,000,000 as proposed in the Senate bill. The conference agreement does not assume the proposed transfer of \$15,000,000 from direct appropriations to the Diversion Control Fund. However, the conference agreement assumes that \$76,710,000 will be available from the Diversion Control Fund for diversion control activities. This statement of managers reflects the distribution of funds provided in the conference report.

*Source Country/International Strategy.*—The conference agreement includes program increases totaling \$31,188,000 to support DEA's international programs, a \$22,520,000 increase above the request. This action reflects continued support for DEA's supply reduction efforts. Program increases are provided for the following activities: (1) \$4,212,000 and 20 positions (12 agents) to establish a new country office in Trinidad-Tobago and to enhance staffing in other Caribbean Country offices, including Barbados, Curacao, Jamaica, Haiti and the Dominican Republic; (2) \$1,966,000 and 7 positions (5 agents) to open new country offices in Vietnam and Uzbekistan, and to expand staffing in the Philippines to address the rise in international heroin trafficking; (3) \$1,415,000 and 5 positions to strengthen DEA's intelligence activities in Mexico; (4) \$1,075,000 and 5 positions to enhance security for DEA activities; (5) \$3,000,000 and 14 positions (8 agents) to enhance staffing in source countries and transit zones; (6) \$5,000,000 to continue overseas implementation of the MERLIN system; (7) \$3,500,000 for surveillance and electronic intercept equipment in source countries and transit zones; (8) \$3,500,000 for aviation and technical equipment to support regional operations in the Caribbean; and (9) \$120,000 for improved mobility along the Bolivian border. DEA is expected to comply with the reporting requirements included in the House report regarding deployment of investigative resources in source countries and transit zones.

*Domestic Enforcement Enhancements.*—The conference agreement includes program increases totaling \$66,085,000 for domestic counter-drug activities, an increase of \$13,000,000 above the request, as follows: (1) \$5,632,000 and 70 positions (42 agents) to enhance DEA domestic offices impacted by Caribbean drug trafficking; (2) \$24,459,000 and 223 positions (100 agents) to augment DEA's efforts to combat methamphetamine trafficking, including enforcement and chemical control efforts, clean up activities at clan-

destine laboratory sites, vehicle replacement, and establishment of a National Clandestine Laboratory database; (3) \$12,926,000 and 148 positions (95 agents) to continue a five-year strategy to enhance enforcement efforts to reduce the domestic availability of heroin; and (4) \$13,000,000 and 56 positions (32 agents) to establish DEA regional drug enforcement teams as recommended in the Senate report. Colombian and Mexican crime syndicates have established a network of compartmentalized cells to conduct their drug trafficking operations in the United States. While historically, these crime syndicates have maintained command and control centers in major U.S. cities, in reaction to law enforcement pressure in major metropolitan areas, these drug syndicates have established regional command and control centers and warehousing and transshipment points in smaller, nontraditional trafficking locations across the U.S., resulting in increased rates of drug abuse, trafficking, and violent crime in our Nation's smaller cities. DEA cannot combat this new threat by transferring resources from major metropolitan areas to smaller cities. Therefore, funding has been provided to establish regional enforcement teams to enable DEA to provide an immediate, flexible, and effective law enforcement response to this growing problem.

*Investigative and Intelligence Requirements.*—The conference agreement includes \$17,468,000 to address critical infrastructure needs, \$7,400,000 above the request, as follows: (1) \$5,000,000 for 39 additional intelligence analysts, as recommended in the House report; (2) \$2,400,000 for continued development and implementation of automation systems to support intelligence and investigative requirements, as provided in the House report; (3) \$7,002,000 for improvements in cooperative drug law enforcement operations; and (4) \$3,066,000 and 2 positions for establishment of a backup site for DEA's Network Control Facility.

*Drug Diversion Control Fee Account.*—The conference agreement provides \$76,710,000 for DEA's Drug Diversion Control Program, the full amount requested, and assumes that diversion control programs will be fully supported through funding derived from the Diversion Control Fee Account in fiscal year 1999.

In addition, DEA is expected to comply with the direction in the House report concerning coastal surveillance technology, as well as the direction in the Senate report concerning integration of DEA and FBI training curriculum. The conference agreement contains bill language, as proposed by the House, to provide \$4,000,000 for evidence and information payments, instead of \$5,000,000 recommended by the Senate.

#### CONSTRUCTION

The conference agreement includes \$8,000,000 in direct appropriations for construction for the Drug Enforcement Administration (DEA), as proposed in both the House and Senate bills.

#### IMMIGRATION AND NATURALIZATION SERVICE

##### SALARIES AND EXPENSES

The conference agreement includes \$2,464,327,000 for the salaries and expenses of the Immigration and Naturalization Service (INS), instead of \$2,486,004,000 as proposed in the House bill and \$2,268,984,000 as proposed in the Senate bill, of which \$842,490,000 is from the Violent Crime Reduction Trust Fund (VCRTF), instead of \$866,490,000 as proposed in the House bill, and \$1,099,667,000 as proposed in the Senate bill. In addition to amounts appropriated, the conference agreement assumes that \$1,306,046,000 will be available from offsetting fee collections, instead of \$1,570,014,000 as proposed by the

House and \$1,560,308,000 as proposed by the Senate. Thus, including resources provided under construction, the conference agreement provides a total operating level of \$3,860,373,000 for INS, instead of \$4,137,588,000 as provided by the House bill, and \$3,940,543,000 as provided by the Senate. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

*Base adjustments.*—The conference agreement provides \$51,283,000 for the full base restoration request and includes \$23,877,000 in restoration of base for detention and deportation and assumes the balance will be provided from expected carryover in the Breached Bond/Detention fund. The agreement does not include funding for helicopter purchases. The agreement includes a report on INS border air vehicle plans which is detailed below under Border Control.

*INS Organization and Management.*—The conference agreement includes the concerns expressed in the House report that a lack of resources is no longer an acceptable response to INS's inability to adequately address its mission responsibilities. The conference agreement includes the establishment of clearer chains of command—one for enforcement activities and one for service to non-citizens—as one step towards making the INS a more efficient accountable, and effective agency. Consistent with the concept of the separation of immigration enforcement from service, the conference agreement adopts the House recommendation to provide for a separation of INS funds. The conference agreement includes the establishment of two new accounts: Enforcement and Border Affairs, and Citizenship and Benefits, Immigration Support and Program Direction. These accounts correspond to existing decision units within the current INS Salaries and Expenses account. INS enforcement funds are placed under the Enforcement and Border Affairs account. All immigration-related benefits and naturalization, support and program resources are placed under the Citizenship and Benefits, Immigration Support and Program Direction account. Neither account includes revenues generated in various fee accounts to fund program activities in both enforcement and service functions which are in addition to the appropriated funds and are discussed below. Funds for INS construction projects continue to fall within the INS construction account.

The language includes authority for the Attorney General to transfer funds from one account to another in order to ensure that funds are properly aligned. Such transfers may occur notwithstanding any transfer limitations imposed under this Act but such transfers are still subject to the reprogramming requirements under Section 605 of this Act. It is expected that any request for transfer of funds will remain within the activities under those headings.

Under the new accounts, the conference agreement includes \$1,069,754,000 for Enforcement and Border Affairs, \$552,083,000 for Citizenship and Benefits, Immigration Support and Program Direction, and \$842,490,000 from the Violent Crime Reduction Trust Fund.

The Enforcement and Border Affairs account is comprised of the following amounts: \$931,871,000, for the existing base activities of Inspections, Border Patrol, Investigations, Detention and Deportation, and Intelligence; less funds for helicopter purchases and transfer of \$29,536,000 to the User Fee account for user fee related Information Resource Management and legal activities; and program increases of \$97,000,000 for the Border Patrol and \$40,883,000 for interior enforcement. This amount, together with the amount from the

Violent Crime Reduction Trust Fund, provides the total appropriation for these activities.

The Citizenship and Benefits, Immigration Support and Program Direction account includes \$491,083,000 for the existing base activities of Citizenship and Benefits, Immigration Support and Management and Administration, assumes \$30,000,000 of this base activity will be supported by unobligated balances available in the Working Capital Fund, includes funding for the naturalization initiative, and includes a program increase of \$1,000,000 for the Office of Internal Audit.

**Border control.**—The conference agreement includes \$97,000,000 for 1,000 new border patrol agents and 140 support personnel. The conference agreement adopts the following requests for reports to the Committee on border-related activities and technologies: 1) by December 1, 1998, the House request for an INS plan for the development, testing, and deployment of all current border technologies and the plans for training agents to use such technology; 2) by January 1, 1999, a report on the implications of having the Border Patrol Training Academy report directly to the Assistant Commissioner for the Border Patrol, as suggested by the Senate report; 3) by January 1, 1999, a report on the feasibility, cost and capabilities of a mixed fleet of manned and unmanned aircraft, as requested in both the House and Senate reports; 4) by November 15, 1998, a report on current plans for Border Patrol road and fence improvements, as specified in the House report; and 5) the continuation of reports on Border Patrol hiring, training and enforcement strategy, as requested in both the House and Senate reports. The conference agreement also adopts the House report direction to INS that it work more closely with the Forest Service and the Bureau of Land Management.

**Deployment of Resources.**—The conference agreement directs the INS to continue its consultation with the Committees on Appropriations of both the House and Senate before deployment of new border patrol agents and additional staffing included in this conference agreement.

**Interior enforcement.**—The conference agreement includes the following increases to enhance INS' ability to deport illegal aliens: 1) \$21,800,000 for Quick Response Teams (QRTs) to work directly with State and local law enforcement officers to take into custody and remove illegal aliens, in accordance with the House report, including a report to the Committees on its strategy on their use and deployment plans by December 1, 1999 and quarterly reports on its progress, and improved response rates; 2) \$3,112,000 for participation in joint task forces on terrorism, to assist in the identification and apprehension of alien terrorists; 3) \$3,000,000 to expand the Law Enforcement Support Center (LESC), as in the Senate report; 4) \$9,400,000 for activation of 400 beds at Port Isabel; 5) \$1,971,000 for an additional 126 beds for juvenile detention space; and 6) \$1,600,000 for four dedicated commuter lanes, as in the Senate report.

The conference agreement includes the concerns in both House and Senate reports about increasing illegal immigration in locations not previously believed to have problems, including Georgia, North Carolina, Kentucky, Tennessee, Arkansas, Utah, Nebraska, Iowa, Missouri and Colorado. It is expected that the INS will take into consideration the growing problems in these states in its deployment plan for the Quick Response Teams and other interior enforcement resources and will consult with the Committees on such plans. The agreement also includes the Senate proposal on Kodiak Island.

The conference agreement also supports \$10,000,000 in additional funding within exist-

ing resources to continue and to expand the local jail programs pursuant to Public Law 105-141 and a report on the program by December 1, 1998, and INS is instructed to report on the feasibility of expanding the local ambulance service pilot program.

The conference agreement includes the House recommendations for staffing of the Institutional Removal Program and on employment eligibility verification pilot programs. The conference agreement includes a request that INS evaluate the existing technical infrastructure and the quality and integrity of the data used in the System for Alien Verification of Eligibility ("SAVE") system, or any comparable INS system, and recommend how INS can meet the needs of States seeking to comply with Title IV of Public Law 104-193, and report to the Committees by May 1, 1999.

**Detention.**—The conference agreement includes a report to the Committees on INS's anticipated detention needs for the next 3 years, including the resources and training necessary to adequately staff existing and anticipated new facilities, including the feasibility of locating a detention center in Utah, as in the Senate report, and other needs designated in the House and Senate reports.

The conference agreement includes the expectation that as funds become available in the Breached Bond/Detention account, that INS will submit a request to use additional funds for contract detention space and other detention needs. The conference agreement also includes funds for continuation of construction of several detention facilities within INS Construction funds.

The conference agreement includes the concerns about staffing of district offices and requests adjustments to be made, as in the Senate report.

**Office of Internal Audit.**—The conference agreement includes a program increase of \$1,000,000 for the Office of Internal Audit, \$430,000 of which is for the INSpect program to conduct impartial review of compliance and performance with program guidance and regulations.

**Naturalization.**—Naturalization and other services provided by the INS are meant to be covered by application fees deposited into the Examinations Fee account. However, in fiscal year 1998, \$20,000,000 in direct appropriations and \$196,000,000 in Examinations Fee account, were provided for backlog reduction and to improve the integrity of the naturalization process, beyond funds provided in the Examinations Fee account.

On August 6, 1998, the Department of Justice submitted a reprogramming request for INS that requested funds for a naturalization initiative from other resources beyond the revenues generated in the Examinations Fee account. The reason for this reprogramming was that Examinations Fee revenues have fallen significantly below the level INS estimated for fiscal years 1998 and 1999. These additional funds requested are intended to restore funding for ongoing naturalization activities, to provide a series of enhancements to address the large backlog of applications and to continue phasing in the revised application process recommended by PricewaterhouseCoopers. In that proposal, the Department recommended that the funds come from unobligated balances from within the INS Salaries and Expenses account, carryover from fiscal year 1998 Examinations Fee account, a transfer of funds from the Department's Working Capital Fund, and funds from the INS Breached Bond/Detention fund. The total requested by the Department was \$171,000,000; \$88,000,000 to restore base program activities that were reduced to cover the decline in fee revenues, of which \$35,000,000 is for the restoration of base in the

Examinations Fee account and \$53,000,000 is for restoration of the Salaries and Expenses base; and the remaining \$83,000,000 for a naturalization enhancement in the Salaries and Expenses account.

The conference agreement provides \$171,000,000 for this initiative, \$35,000,000 for base restoration in the Examinations Fee account, \$53,000,000 for base restoration in Salaries and Expenses, and \$83,000,000 in enhancements in funds which are not required to maintain other ongoing INS activities, funded in part directly through appropriation of funds, rather than through use of the Breached Bond Detention account, and \$30,000,000 by transfer from the Working Capital Fund, which have been used instead to offset base funding requirements. The conference agreement recommends \$83,000,000 for the following enhancements: (1) \$27,450,000, of which \$11,659,000 is for 200 term employees for the formation of Backlog Reduction Action Teams (BRAT) to work exclusively at INS locations where the average naturalization application processing time is in excess of 15 months and to reduce the backlog until the average case processing time at that location is under 12 months, \$3,750,000 for clerical support, \$3,425,000 for overtime, \$2,401,000 for administering oaths, \$3,200,000 for data entry, \$2,222,000 for reprinting expired fingerprints, and \$790,000 for computer support costs; (2) \$4,325,000 for one-time need to reduce backlogs of cases at the service centers, including \$145,000 for Information Resource Management needs; (3) \$6,000,000 for field office ADP support; (4) \$6,500,000 to improve records procedures and facilities; (5) \$1,000,000 to conduct a pilot to improve fingerprint identification throughout the process; (6) \$12,515,000 for implementation of key recommendations of PricewaterhouseCoopers to redesign the naturalization process, which includes \$2,700,000 for designing and producing a user friendly guide to the naturalization process, \$3,000,000 for continuation of the PricewaterhouseCoopers contract, \$1,250,000 for consolidating medical waivers at the INS Service Centers, and \$5,565,000 for the Complete File Review initiative which is designed to ensure that applicant files are complete at the time of adjudication; and (7) \$25,190,000 for beginning one telephone verification center, a record centralization initiative in Missouri, and the indexing and conversion to CD or electronic transfer of INS microfilm images, provided that the INS should consult with the Committees on its proposed spending allocation of these funds prior to the obligation process.

#### OFFSETTING FEE COLLECTIONS

The conference agreement assumes \$1,306,046,000 will be available from offsetting fee collections for INS, instead of \$1,570,014,000 as proposed by the House, and \$1,560,308,000 as proposed by the Senate, to support activities related to the legal admission of persons into the United States. These activities are entirely paid by fees paid by persons who are either traveling internationally or are applying for immigration benefits. The following levels are recommended:

**IMMIGRATION EXAMINATIONS FEES.**—The conference agreement assumes \$635,700,000 of spending from the Immigration Examinations Fee account resources, instead of \$906,000,000 as proposed by the House bill, and \$905,700,000, as proposed by the Senate bill. The estimated resources in this fee account have decreased by over \$275,000,000 during the year from the original estimates due to declining levels of applications. The level provided in the conference agreement takes into consideration this significant decrease in available resources and the \$35,000,000 for base restoration in the Examinations Fee account included in the reprogramming proposal from carryover and recoveries.

It is noted that even after providing additional resources to offset estimated reductions in the Examinations Fee account, current estimates provided by INS still reflect a deficit between resources and program activities of \$160,000,000 in the Examinations Fee account. While there is considerable concern about the lengthy waits, there is also concern about any request by the Department of Justice which calls for a level of spending which, without incorporating program increases, would result in creating a deficit of an estimated \$160,000,000. While the INS has proffered to the Committees that it may be able to recover \$160,000,000 from unobligated balances and cost-saving measures without cutting into service programs, there is sufficient concern about this assurance that there is a desire to see the money that results from these sources before allowing INS to spend itself into a severe deficit.

Accordingly, the level of spending assumed in the conference agreement is based on estimated revenues in this account totaling \$635,700,000 which includes carryover from fiscal year 1998 revenue projected for fiscal year 1999, recoveries, funds from the legalization fee account which has been merged into this account, proposed fingerprint surcharges, and fees from applications under section 245(i) of the Immigration and Nationality Act, which sunsetted on January 14, 1998.

**Inspections User Fees.**—The conference agreement includes \$486,071,000 of spending from offsetting collections in this account, instead of \$444,290,000 as proposed in the Senate bill, and does not assume the removal of the exemption for cruise ship passengers. The conference agreement assumes a transfer of \$29,536,000 from base Salaries and Expenses funding for legal proceedings, Information Resource Management, support and infrastructure. The agreement includes: (1) \$17,668,000 for pay and inflation base adjustments; (2) \$7,657,000 to provide 100 additional inspectors at airports to maintain the 45-minute standard at airports; (3) \$2,069,000, for 60 asylum officers and 20 support staff, for the expedited removal process; (4) \$1,875,000, and 12 positions, for mandatory detention necessary to support the expedited removal process; (5) \$19,520,000, and 217 positions for departure management automation initiatives to monitor the control of aliens departing the United States and to facilitate the pilot of a system of exit controls; (6) \$3,961,000, and 16 attorneys, 8 legal support, and 10 management support positions, for legal proceedings staffing to support the expedited removal program; (7) \$600,000 for 10 officers for an international program to train international airline carrier personnel and other overseas operations in fraudulent document detection and anti-smuggling operations.

**Land Border Inspections Fees.**—The conference agreement includes \$3,275,000 in spending from the Land Border Inspection Fund, an increase of \$232,000 over the current year. The current revenues generated in this account are from Dedicated Commuter Lanes in Blaine and Port Roberts, Washington, Detroit Tunnel and Ambassador Bridge, Michigan, and Otay Mesa, California and Automated Permit Ports which provide pre-screened local border residents border crossing privileges by means of automated inspections. The agreement includes the recommendation in the Senate report relating to the Peace Arch Crossing Entry program.

**Immigration Breached Bond/Detention Account.**—The conference agreement includes \$176,950,000 in spending from the Breached Bond/Detention Account, instead of \$169,870,000 as proposed by the House and \$201,995,000 as proposed by the Senate. The level of spending assumed in the conference

agreement is based on estimated revenues in this account totaling \$176,950,000, which includes carryover funds from fiscal year 1998, revenue projected for fiscal year 1998 and assumes the availability of funds from penalty fees from applications under section 245(i) of the Immigration and Nationality Act, which expired on January 14, 1998. Carryover balances from 245(i) fees collected in fiscal year 1998 remain in this account for expenditure in fiscal year 1999. The conference agreement assumes \$27,061,000 of expenses for alien detention costs provided under the salaries and expenses account will be supported by the carryover estimated to be available from fiscal year 1999. Within the amounts provided, the conference agreement includes funding for the acquisition and installation of video-conferencing equipment at institutional hearing program sites, as proposed in the Senate report.

**Immigration Enforcement Fines.**—The conference agreement includes \$4,050,000 in spending to support border enforcement activities, instead of \$3,800,000, as proposed in the House report. A remote video surveillance system and sensors is included in the agreement, as proposed in the Senate report.

**Other Provisions.**—The conference agreement does not include the reduction of the number of employees in the Office of Legislative and Public Affairs, as proposed by the Senate bill; does include the purchase of 3,855 passenger motor vehicles, as proposed in the House bill, instead of 2,904 vehicles, as proposed in the Senate bill; includes bill language that prohibits funds from being used for the operation of the San Clemente and Temecula traffic checkpoints unless they are open on a continuous 24 hour basis, as proposed in the House bill; includes a limit on the number of political appointees as proposed in the House bill; and does include an authorization for the Attorney General to impose disciplinary actions on any INS employee who violates Department policies and procedures relative to granting citizenship or who willfully deceives the Congress or Department Leadership, as proposed in the House bill.

The EB-5, investor visa program, was created to promote investments in businesses and to create and preserve jobs in the United States. It is understood that serious allegations have been made concerning fraudulent activities designed to aid persons in gaining U.S. citizenship pursuant to the EB-5 program without making the contributions to U.S. businesses which Congress intended. The Immigration and Naturalization Service (INS) is directed to report to Congress within 90 days to propose any legislative remedies that may be necessary to provide the INS with the tools to ensure that a person gaining citizenship pursuant to the EB-5 program has actually made, and is personally liable for, the required investment and is sufficiently involved in the management of the business invested in, consistent with the intent of Congress when the EB-5 program was created.

#### CONSTRUCTION

The conference agreement includes \$90,000,000 for construction for INS, instead of \$81,570,000 as proposed in the House bill and \$110,251,000 as proposed in the Senate bill. The conference agreement assumes funding of \$51,606,000 for Border Patrol new construction (including 8 stations or sector headquarters), as proposed in the House report, and \$10,900,000 for the Charleston border patrol academy and \$4,625,000 for the Artesia, NM law enforcement training center, as proposed in the Senate report; \$3,619,000 for various military engineering projects to support the Border Patrol, and \$3,875,000 to come from savings within Salaries and Expenses,

as is allowed under the bill language in the Salaries and Expenses accounts, to include the Santa Theresa project in the Senate report but not to include the Tucson Checkpoint exit lane project, included in the House report; \$5,900,000 for new construction of detention facilities, including \$1,000,000 for Port Isabel, \$4,000,000 for Florence, and \$900,000 for Varick Street; \$20,575,000 for maintenance and repair of INS facilities; \$4,000,000 for fuel storage tank upgrade and repair; and \$4,300,000 for program execution.

The agreement also includes new bill language prohibiting site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson Sector, which was not included in either the House or the Senate bills.

#### FEDERAL PRISON SYSTEM

##### SALARIES AND EXPENSES

The conference agreement includes \$2,888,853,000 for the salaries and expenses of the Federal Prison System, as proposed in the House bill instead of \$2,919,515,000 as proposed in the Senate bill. Of this amount, the conference agreement provides \$26,499,000 from the Violent Crime Reduction Trust Fund (VCRTF), as proposed in the House bill, instead of \$9,559,000 as proposed in the Senate bill. The conference agreement also assumes that, in addition to the amounts appropriated, \$90,000,000 will be available for necessary operations from unobligated balances from the prior year, as proposed by both House and Senate bills, and that should the funds be available in the Department of Justice Working Capital Fund, \$23,200,000 will be made available from the Fund.

The conference agreement includes the commendation to BOP for its operating efficiencies by consolidating and sharing like-services at several multilevel security prison facilities within a prison complex; identifying ways such as telemedicine to reduce health care costs; and voluntarily reducing its authority by 760 positions.

The conference agreement also includes bill language, as proposed in the House, in lieu of a privatization plan proposed by the Senate, which requires the Bureau of Prisons to conduct a study of private prisons.

##### BUILDINGS AND FACILITIES

The conference agreement includes \$410,997,000 for construction, modernization, maintenance and repair of prison and detention facilities housing Federal prisoners, instead of \$413,997,000 as proposed in the House bill and \$379,197,000 as proposed in the Senate bill.

The conference agreement includes funding for construction of three Federal Correctional Institutions and partial funding of a fourth to provide additional capacity to accommodate the space requirements for the transfer of District of Columbia sentenced felons to the Federal Prison System, as mandated by the District of Columbia Revitalization Act, as set forth in the Senate report. The conference agreement also includes \$7,000,000 and \$2,000,000 for the construction of facilities in the Bureau of Prison's Southern region set forth in the Senate report. In addition, the conference agreement includes \$10,000,000 for site acquisition, planning, design and initial phases of construction of a new prison at a site in the Northern part of the Bureau of Prison's Mid-Atlantic region, which meets the Bureau of Prison's siting criteria and needs, and where the construction of a prison can be expedited by the completion of an Environmental Impact Statement no later than March 31, 1999. The conference agreement also includes \$20,000,000 for additional construction costs of other BOP projects under design.

The conference agreement includes the review of critical space needs, review site options for higher security prisons both in the

western region and other places where the need exists, in accordance with the Senate report. The conference agreement also includes the direction to the Department of Justice to include in its fiscal year 2000 budget a request for at least \$300,000,000 for modernization and repair within the Federal Prison System, as indicated in the Senate report. The conference agreement includes the expectation that the Bureau of Prisons participate with the Justice Management Division in the development of a narrowband communications conversion master plan, in accordance with the Senate report.

It is recognized that significant costs are associated with purchasing electric power for Bureau of Prisons facilities, and that savings may be effected by the use of hydroelectric power. There is an expectation that the Bureau of Prisons explore the possibility of using domestic hydroelectric power to reduce operating costs in its facilities and, by February 1, 1999, report to the Committees on Appropriations on its findings and any possible achievable savings.

Should funds be available in the Department of Justice Working Capital Fund, funds from the Working Capital Fund may be provided for Federal Prison System equipment, and other equipment and automation needs.

The conference agreement does not include funding for the U.S. Marshals Service construction under this account, which was proposed in the House bill. Instead funding is provided under a separate account as proposed in the Senate bill.

FEDERAL PRISON INDUSTRIES, INCORPORATED  
(LIMITATION ON ADMINISTRATIVE EXPENSES)

The conference agreement includes a limitation on administrative expenses of \$3,266,000 for the Federal Prison Industries, as proposed by both the House and Senate bills.

OFFICE OF JUSTICE PROGRAMS  
JUSTICE ASSISTANCE

The conference agreement includes \$147,151,000 for Justice Assistance, instead of \$195,000,000 as proposed in the House bill and \$170,151,000 as proposed in the Senate bill. The conference agreement provides the following:

National Institute of Justice .....	\$46,148,000
Defense/Law Enforcement Technology Transfer .....	(10,277,000)
DNA Technology R&D Program .....	(5,000)
Bureau of Justice Statistics .....	25,029,000
Missing Children .....	17,168,000
Regional Information Sharing System .....	<sup>1</sup> 20,000,000
National White Collar Crime Center .....	7,350,000
Grants to Firefighters and Emergency Service Personnel .....	<sup>2</sup> (5,000,000)
State and Local Antiterrorism Training ..	<sup>2</sup> (2,000,000)
Counterterrorism Technology .....	<sup>2</sup> (10,000,000)
Management and Administration .....	31,456,000
<b>Total .....</b>	<b>147,151,000</b>

<sup>1</sup> \$5,000,000 included in COPS Technology, for a total of \$25,000,000.

<sup>2</sup> Included under the Counterterrorism Fund.

This statement of managers reflects the agreement of the conferees on how funds provided for all programs under the Office of Justice Programs in this conference report are to be spent.

*National Institute of Justice (NIJ).*—The conference agreement provides \$46,148,000 for the

National Institute of Justice, as proposed in the Senate bill, instead of \$52,577,000 as proposed in the House bill. Additionally, \$5,200,000 for NIJ research and evaluation on the causes and impact of domestic violence is provided under the Violence Against Women Grants program. The conference agreement adopts the recommendation in the House and Senate reports that provides that within the overall amount provided to NIJ, the Office of Justice Programs is expected to review proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding: a grant to disseminate the results of the study of the health care status of prison inmates as stated in the House report; \$1,500,000 for information technology applications for High Intensity Drug Trafficking Areas; and \$1,500,000 for a pilot program with a Department of Criminal Justice Training and a College of Criminal Justice to evaluate how advanced computer-based interactive training systems can enhance training for state and local law enforcement officers; and a grant for the study and development of perfluorocarbon technology.

Within the total funding for NIJ, the conference agreement includes increased amounts to be made available for the utilization of telemedicine to provide health care for the prison inmate population. It is directed that two pilot programs be developed in conjunction with the Bureau of Prisons and the National Institute of Corrections, in South Carolina, as proposed in the Senate report, and in Eastern Kentucky. In addition to the above amount, \$20,000,000 will be provided to NIJ in fiscal year 1999 from the Local Law Enforcement Block Grant for assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement. Within the amount provided, NIJ is expected to provide increased amounts for computerized identification systems and forensic DNA analysis technologies.

*Safe schools initiative [SSI].*—The conference agreement supports the concern as expressed in the Senate report regarding the level of violence in our children's schools as evidenced by recent tragic events that have occurred around the Nation. In particular, the incidence of gun violence by juveniles in schools is growing at an alarming rate. To address this issue, the conference agreement adopts the recommendation in the Senate report to include \$210,000,000 for a new safe schools initiative [SSI], including funds for prevention and technology. Within this total, \$15,000,000 is from the Juvenile Justice At-Risk Children's Program for communities to implement approaches unique to their particular areas; \$10,000,000 is from funds available to the National Institute of Justice [NIJ] to develop new, more effective safety technologies such as less obtrusive weapons detection and surveillance equipment and information systems that provide communities quick access to information they need to identify potentially violent youth; \$167,500,000 is from the Community Oriented Policing Services [COPS] Program to increase community policing in and around schools; and \$17,500,000 is from the COPS Program for programs aimed at preventing violence in schools and community-based organizations.

Within total funding for NIJ, the conference agreement includes \$10,000,000 from available funds to develop new, more effective safety technologies for a safe schools initiative, as proposed in the Senate report.

*Defense/Law Enforcement Technology Transfer.*—Within the total amount provided to NIJ, the conference agreement includes \$10,277,000 to assist NIJ in its efforts to adopt

technologies for law enforcement purposes. Within this amount, \$2,800,000 is provided to continue the technology commercialization initiative at the National Technology Transfer Center and the remainder to go for continuation of the law enforcement technology center and other centers funded in the current year.

*DNA Technology Research and Development Program.*—Within the amount provided, the conference agreement includes \$5,000,000 to develop improved DNA testing capabilities, as proposed in the House and Senate reports.

*Bureau of Justice Statistics.*—The conference agreement provides \$25,029,000 for the Bureau of Justice Statistics (BJS) for fiscal year 1999, as proposed in the House bill instead of \$25,529,000 as proposed by the Senate bill.

*Missing Children.*—The conference agreement provides \$17,168,000 for the Missing Children Program as proposed in the Senate bill, instead of \$12,256,000 as proposed in the House bill. The conference agreement provides a significant increase and expands the missing children initiative included in the fiscal year 1998 conference report for Federal, State, and local law enforcement agencies, and the National Center for Missing and Exploited Children, to address the increasing need to combat crimes against children, particularly kidnapping and sexual exploitation. The conference agreement again consolidates funding under one account for Missing Children programs as proposed in the House and Senate bills. Within the amounts provided the conference agreement assumes funding in accordance with the Senate report including:

(1) \$7,798,000 for the Missing Children program within the Office of Justice Programs, Justice Assistance, including \$5,000,000 for State and local law enforcement to continue eight specialized cyber units and to form eight new units to investigate and prevent child sexual exploitation which are based on the protocols for conducting investigations involving the Internet and on-line service providers that have been established by the Department of Justice and the National Center for Missing and Exploited Children; \$162,000 for highly technical, sophisticated computer crime training for State and local law enforcement; \$90,000 for a national teleconference on cybercrime against children; and \$75,000 for town meetings to focus on cybercrimes against children in local communities around the country;

(2) \$8,120,000 for the National Center for Missing and Exploited Children, of which \$1,900,000 is provided for Internet investigations as proposed in the Senate report. The conferees expect the National Center for Missing and Exploited Children to continue to consult with participating law enforcement agencies to ensure the curriculum, training, and programs provided with this additional funding are consistent with the protocols for conducting investigations involving the Internet and on-line service providers that have been established by the Department of Justice. Also included is the following: \$180,000 for cybercrime awareness training for law enforcement in every State; \$690,000 for expansion and enhancement of the cyberline, technology upgrades, and enhancement of the exploited child unit; \$300,000 for a national survey regarding the exposure of children and youth to unwanted sexual solicitations and pornography on the Internet; and \$50,000 to increase staffing at the center's office in Columbia, SC; and

(3) \$1,250,000 for the Jimmy Ryce Law Enforcement Training Center for training of State and local law enforcement officials investigating missing and exploited children cases. The conference agreement includes an increase for expansion of the center to train additional law enforcement officers.

The Department is directed to work closely with the National Center for Missing and Exploited Children, schools, and libraries to educate the public about the potential risks of Internet usage. Further, the conference agreement includes the suggestion that the Center create a brief information seminar appropriate for organizations, such as Boys and Girls Clubs of America, who can provide information directly to juveniles. The conference agreement adopts additional Senate report language regarding the significant progress of the National Center for Missing and Exploited Children; the recognition that schools can play a vital role in the identification and recovery of missing children; the problem of the emergence of sex tourism in which glossy brochures and websites advertise packages for travelers complete with airfare, hotel, and directions to local brothels; and the recognition of the key role private organizations can play in combating child abduction.

**Regional Information Sharing System (RISS).**—The conference agreement includes \$20,000,000 for the RISS program, as proposed in the House bill, instead of \$25,000,000 as proposed in the Senate bill. In addition, the conference agreement provides \$5,000,000 under the COPS Technology Program for an enhancement to the RISS program to upgrade its communications infrastructure. The conference agreement recognizes that the regional structure of the RISS program is essential to its continued acceptance and support by the state and local law enforcement community and commend OJP for their strong support of this valuable network.

**National White Collar Crime Center.**—The conference agreement includes \$7,350,000 for the National White Collar Crime Center as proposed in the House bill instead of \$5,350,000 as provided in the Senate bill and assumes funding in accordance with the House report.

**Grants to Firefighters.**—The conference agreement includes funds under the Counterterrorism Fund.

**State and Local Antiterrorism Training.**—The conference agreement includes funds under the Counterterrorism Fund.

**Counterterrorism Technology.**—The conference agreement includes funds under the Counterterrorism Fund.

**Management and Administration.**—The conference agreement provides \$31,456,000 for Management and Administration expenses of the Office of Justice Programs instead of \$37,788,000 as proposed in the House bill and instead of \$31,956,000 as proposed in the Senate bill. In addition, reimbursable funding from VCRTF programs, the Counterterrorism Fund, and Community Oriented Policing Services and a transfer from the Juvenile Justice account, will be provided for the administration of grants under these activities. Total funding for the administration of grants assumed in the conference agreement is as follows:

	Amount	FTE
Direct Appropriation .....	31,456,000	322
Transfer from Juvenile Justice programs .....	6,947,000	87
Reimbursement from VCRTF .....	47,230,000	387
Reimbursement from COPS .....	2,500,000	23
Reimbursement from Counterterrorism Fund .....	2,000,000	15
<b>Total .....</b>	<b>90,133,000</b>	<b>834</b>

In order to ensure careful stewardship of these resources, and in accordance with the House report, the Assistant Attorney General for the Office of Justice Programs (OJP) submitted a report to the Committees in January of this year, which outlined the steps OJP has taken and which recommends additional actions that will ensure coordination and reduce the possibility of duplication and overlap among the various OJP divi-

sions. As a result of that report, the conference agreement includes a General Provision under this title, as proposed in the Senate bill, which authorizes the Assistant Attorney General for OJP to have final authority over all grants, cooperative agreements, and contracts for OJP and its component organizations. The conference agreement includes the House proposal which directs the Assistant Attorney General of OJP to develop a new organizational structure.

#### STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes \$2,921,950,000 for State and Local Law Enforcement Assistance, instead of \$2,927,150,000 as proposed in the House bill and \$2,676,650,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that \$2,369,950,000 shall be derived from the Violent Crime Reduction Trust Fund (VCRTF), instead of \$2,374,400,000 as proposed in the House bill and \$2,124,650,000 as proposed in the Senate bill.

The conference agreement provides for the following programs from direct appropriations and the VCRTF:

<b>Direct Appropriation:</b>	
Byrne Discretionary Grants .....	\$47,000,000
Byrne Formula Grants ...	505,000,000
<b>Total Direct Appropriations .....</b>	<b>552,000,000</b>
<b>Violent Crime Reduction Trust Fund:</b>	
Local Law Enforcement Block Grant .....	523,000,000
Boys and Girls Clubs ....	(40,000,000)
Law Enforcement Technology .....	(20,000,000)
Juvenile Crime Block Grant .....	250,000,000
Indian Tribal Courts Program .....	5,000,000
Drug Courts .....	40,000,000
Upgrade Criminal History Records (Brady Bill) .....	45,000,000
State Prison Grants .....	720,500,000
Cooperative Agreement Program .....	(25,000,000)
Indian Country Earmark .....	(34,000,000)
Alien Incarceration .....	(165,000,000)
State Criminal Alien Assistance Program .....	420,000,000
Violence Against Women Act Programs .....	282,750,000
Substance Abuse Treatment for State Prisoners .....	63,000,000
DNA Identification State Grants .....	15,000,000
Law Enforcement Family Support Programs .....	1,500,000
Senior Citizens Against Marketing Scams .....	2,000,000
Motor Vehicle Theft Prevention .....	1,300,000
Missing Alzheimer's Patient Program .....	900,000
<b>Total, Violent Crime Reduction Trust Fund .....</b>	<b>2,369,950,000</b>

**Edward Byrne Grants to States.**—The conference agreement provides \$552,000,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which \$47,000,000 is for discretionary grants and \$505,000,000 is provided for formula grants under this program.

**Byrne Discretionary Grants.**—The conference agreement provides \$47,000,000 for

discretionary grants under Chapter A of the Edward Byrne Memorial State and Local Assistance Program, as proposed in the Senate bill, instead of \$47,750,000 as proposed in the House bill. Within the amount provided, the Bureau of Justice Assistance (BJA) is expected to review the following proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions:

—\$4,000,000 for the National Crime Prevention Council;

—\$1,750,000 to continue the Drug Abuse Resistance Education (DARE America) program. DARE may also apply for a grant to expand its program into middle schools under the COPS Methamphetamine/Drug Hot Spots program as proposed in the House report;

—\$2,250,000 for continued funding for the Washington Metropolitan Area Drug Enforcement Task Force and for development of a regional gang tracking system;

—\$1,000,000 for Project Return to include funds for evaluation of this correctional options program;

—\$1,000,000 for continued funding for the National Judicial College;

—\$1,500,000 to SEARCH Group, Inc. to continue and expand the National Technical Assistance Program, which provides support to State and local criminal justice agencies to improve their use of computers and information technology;

—\$3,150,000 for the National Motor Vehicle Title Information System, authorized by the Anti-Car Theft Improvement Act;

—\$500,000 for continuation of the Santee-Lynches Regional Council of Governments Local Law Enforcement Program;

—\$1,000,000 for the National Neighborhood Crime and Drug Abuse Prevention Program;

—\$925,000 to allow the Utah State Olympic Public Safety Command to continue to develop and support a public safety master plan for the games;

—\$4,500,000 for the Executive Office of United States Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center;

—\$3,000,000 for the Community Law Enforcement and Recovery (CLEAR) program, in which city and county law enforcement agencies collaborate with community agencies to target gang leadership and hard-core gang members to remove them from the community;

—\$3,500,000 for Consolidated Advanced Technologies for the Law Enforcement Program at the University of New Hampshire and the New Hampshire Department of Safety;

—\$2,000,000 for a one-time grant to Tools for Tolerance for training for law enforcement officers;

—\$1,500,000 for the New Hampshire Department of Safety for Operation Streetsweeper;

—\$500,000 for the community security program of the Local Initiatives Support Corporation;

—\$1,000,000 for the Ben Clark Public Safety Training program; and

—\$1,000,000 for a Rural Crime Prevention and Prosecution program.

Within the available resources for Byrne discretionary grants, BJA is urged to review proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding: demonstration and evaluation of the programs of Haymarket House; Chicago's Family Violence Intervention Program; the National Night Out Program; National Training and Information Center; Lincoln-Lancaster Mediation Center; Trauma Reduction Initiative; National Fraud Information Center; Stop the Violence Program; Light of

Life Ministries; Westcare; South Florida Corrections options; Straight and Narrow; Public Safety Training Institute in Missouri; and for necessary trial security expenses for Jasper County, Texas.

**Byrne Formula Grants.**—The conference agreement provides \$505,000,000 for the Byrne Formula Grant program, as proposed in both the House and Senate bills, from direct appropriations. The conference agreement includes language, as proposed in the House bill, which makes drug testing programs an allowable use of grants provided to States under this program.

#### VIOLENT CRIME REDUCTION TRUST FUND PROGRAMS

**Local Law Enforcement Block Grant.**—The conference agreement includes \$523,000,000 for the Local Law Enforcement Block Grant program, as proposed in the House bill, instead of \$500,000,000 as proposed in the Senate bill, in order to continue the commitment to provide local governments with the resources and flexibility to address specific crime problems in their communities with their own solutions. Within the amount provided, the conference agreement includes language providing \$40,000,000 of these funds to the Boys and Girls Clubs of America. In addition, the conference agreement includes language as proposed in the House bill that defines the Commonwealth of Puerto Rico as a unit of local government and includes language from the Senate bill, which designates parish sheriffs as the recipient of block grant funds in Louisiana. There is an awareness of the unique law enforcement system that exists in the State of Louisiana whereby the constitution of the State of Louisiana establishes independent and wholly autonomous parish sheriffs and names the sheriff as the chief law enforcement officer of the constitutionally established law enforcement districts. In addition, the conference agreement extends the set aside for law enforcement technology for which an authorization had expired, as proposed in the Senate bill.

**Juvenile Accountability Block Grant.**—The conference agreement provides \$250,000,000 for a Juvenile Accountability Incentive Block Grant program to address the growing problem of juvenile crime, as proposed in the House bill and instead of the \$100,000,000 as proposed in the Senate bill. The conference agreement includes language that continues by reference the terms and conditions for the administration of the Block Grant contained in the fiscal year 1998 appropriations bill, instead of listing those terms and conditions. The conference report does not include a set aside for discretionary grants, as proposed in the Senate bill. It has been brought to the attention of the conferees the special needs of San Bernardino, California, Douglas County, Oregon, Missoula, Montana, Billings, Montana, Montrose, Colorado, the Montrose Juvenile Probation Officers, and the North Dakota Youth Crisis Center.

**Drug Courts.**—The conference agreement includes \$40,000,000 for drug courts as proposed in the Senate bill, instead of \$43,000,000 as proposed in the House bill. The conferees note that localities may also obtain funding for drug courts under the Local Law Enforcement Block Grant and the Juvenile Accountability Block Grant.

**Upgrade Criminal History Records (Brady Bill).**—The conference agreement provides \$45,000,000, as proposed in both the House and Senate bills, for States to upgrade criminal history records as required under the Brady Bill.

**State Prison Grants.**—The conference agreement provides \$720,500,000 for State Prison Grants, instead of \$730,500,000 as proposed in the House bill and \$711,000,000 as proposed in the Senate bill. Of the amount provided,

\$496,500,000 is available to States to build and expand prisons, \$165,000,000 is available to States for the reimbursement cost of incarceration of criminal aliens and \$25,000,000 is for the Cooperative Agreement Program. The conference agreement includes \$34,000,000 for construction of jails on Indian reservations and adopts House language providing for the new construction of jails and detention facilities and not for repair and maintenance costs of existing facilities, as proposed in the Senate. There is an awareness of the special detention needs at the Barrow Correctional Facility and the Fort Berthold Indian reservation.

OJP is expected to follow the same priority for funding that exists under the current Bureau of Indian Affairs (BIA) priority list when determining the order in which tribes are allocated funding for detention facility construction projects in Indian Country, if appropriate. The BIA has expended considerable resources to establish these priorities, and it would be a duplication of these efforts to repeat the process.

**State Criminal Alien Assistance Program.**—The conference agreement provides a total of \$585,000,000 for the State Criminal Alien Assistance Program for reimbursement to States for the costs of incarceration of criminal aliens, as proposed in the House bill, instead of \$500,000,000 as proposed in the Senate bill. Of the total amount, the conference agreement includes \$420,000,000 under this account for the State Criminal Alien Assistance Program as proposed in the House bill, instead of \$350,000,000 as proposed in the Senate bill and \$165,000,000 for this purpose under the State Prison Grants program, as proposed by the House bill, instead of \$150,000,000 as proposed by the Senate bill.

The conference agreement includes concerns that OJP has been unable, for various reasons, some beyond their control, to distribute funds within the fiscal year in which they are appropriated. Based on discussions with BJA, State, and localities, OJP-BJA is instructed to use the 1998 data collection and verification process as the basis for 1999 awards, as well as 1998 awards, and to make the 1999 awards by September 30, 1999. Announcement of the 1999 program should be made to all eligible States and jurisdictions and any that did not apply in 1998 but desire to apply in 1999 shall be allowed to do so. OJP is directed to report back to the Committees by December 31, 1999, regarding the results of this approach.

If SCAAP funds are not disbursed by August 31 of the fiscal year for which the funds were appropriated, BJA is directed to immediately disburse to all jurisdictions whose prior fiscal year SCAAP award was equal to, or greater than 0.5% of total prior year SCAAP awards an amount equal to 50% of such jurisdiction's prior year award. Such jurisdictions shall be credited for partial disbursements when remaining SCAAP funds are disbursed.

**Violence Against Women Act Programs.**—The conference agreement includes \$282,750,000 for grants to support the Violence Against Women Act, as proposed in the Senate bill, instead of \$279,750,000 as proposed in the House bill. Grants provided under this account are for the following programs:

General Grants .....	\$206,750,000
Civil Legal Assistance ....	(23,000,000)
National Institute of Justice .....	(5,200,000)
D.C. Superior Court Domestic Violence .....	(1,196,000)
OJJDP-Safe Start Program .....	(10,000,000)
Violence on College Campuses .....	(10,000,000)

#### Victims of Child Abuse Programs:

Court-Appointed Special Advocates .....	9,000,000
Training for Judicial Personnel .....	2,000,000
Grants for Televised Testimony .....	1,000,000
Grants to Encourage Arrest Policies .....	34,000,000
Rural Domestic Violence ..	25,000,000
Training Programs .....	5,000,000
Total .....	\$282,750,000

Within the amount provided for General Grants, the conference agreement includes \$23,000,000 exclusively for the purpose of augmenting civil legal assistance programs to address domestic violence, \$5,200,000 for research and evaluation of domestic violence programs, \$1,196,000 to support an enhanced domestic prosecution unit within the District of Columbia, \$10,000,000 for the Safe Start program which provides direct intervention and treatment to youth who are victims, witnesses or perpetrators of violent crimes in order to attempt early treatment, and \$10,000,000 to combat violent crime against women on college campuses, the latter as proposed in the Senate report. Within the amounts provided, the Office of Justice Programs should consider the needs of the Aberdeen, SD CASA program.

The conference agreement includes \$10,000,000 within General Grants to expand a project which provides direct intervention and treatment to youth who are victims, witnesses or perpetrators of violent crimes in order to attempt early treatment.

**Substance Abuse Treatment for State Prisoners.**—The conference agreement includes \$63,000,000 for substance abuse treatment programs within State and local correctional facilities, as proposed in the House and Senate bills.

**Indian Tribal Courts.**—The conference agreement includes \$5,000,000 to assist tribal governments in the development, enhancement, and continuing operation of tribal judicial systems, as described in the Senate report. These grants should be competitive, based upon the extent and urgency of the need of each applicant. OJP should consider the needs of the Waka Sica Historical Society of South Dakota and the Winnebago Tribe of Nebraska. OJP should report back to the Committees with its proposal as to how the program may be administered before approving any grants.

**DNA Identification State Grants.**—The conference agreement includes \$15,000,000 for DNA Identification State Grants, as proposed by both the House and Senate bills. Within the amount made available under this program, it is expected that the OJP and the FBI review a proposal, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding a \$2,000,000 grant to the Marshall University Forensic Science Program, and a \$1,000,000 grant to the West Virginia University Forensic Identification Program, and a \$3,000,000 grant to the South Carolina Law Enforcement Division's forensic laboratory. Within the amount made available under this program, the OJP and the FBI should also review the following proposals, and provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding: a forensic science partnership between the Oregon State Police and Western Oregon University; the Southeast Missouri Crime Laboratory; and the National Center for Forensic Science at the University of Central Florida Forensic Center.



**Law Enforcement Family Support Programs.**—The conference agreement includes \$1,500,000 for law enforcement family support programs, as proposed by the House bill, instead of \$2,000,000 as proposed by the Senate bill.

**Senior Citizens Against Marketing Scams.**—The conference agreement includes \$2,000,000 for programs to assist law enforcement in preventing and stopping marketing scams against senior citizens, as proposed by both the House and Senate bills, and including program sessions to be held at the National Advocacy Center, as proposed in the Senate report.

**Motor Vehicle Theft Prevention.**—The conference agreement includes \$1,300,000 for grants to combat motor vehicle theft, instead of \$750,000 as proposed in the House bill and instead of \$2,000,000 as proposed in the Senate bill.

**Safe Return Program.**—The conference agreement includes \$900,000 for the Missing Alzheimer's Patient Program, as proposed in both the House and Senate bills and includes the proposal in the Senate report.

#### WEED AND SEED PROGRAM

The conference agreement includes a direct appropriation of \$33,500,000 for the Weed and Seed program, as proposed by the House bill instead of \$40,000,000 as proposed by the Senate bill. The conference agreement includes the expectation that \$6,500,000 will be made available from the Asset Forfeiture Super Surplus Fund, as proposed in the House bill.

#### COMMUNITY ORIENTED POLICING SERVICES

##### VIOLENT CRIME REDUCTION PROGRAMS

The conference agreement includes \$1,430,000,000 for the Community Oriented Policing Services (COPS) program, instead of \$1,420,000,000 as proposed by the House and \$1,440,000,000 as proposed by the Senate bill. This statement of managers reflects the conference agreement on how funds provided for all programs under the Community Oriented Policing Services program in this conference report are to be spent.

**Police Corps.**—Within the total amount provided, the conference agreement provides \$30,000,000 for the Police Corps program, instead of \$20,000,000 as proposed by the House bill and \$40,000,000 as proposed by the Senate bill. The conference agreement includes the acceptance of a possible move of the Police Corps program from this account to the Office of Justice Programs.

**Management and Administration.**—The conference agreement also includes a provision that provides that not to exceed 266 positions, 266 workyears, and \$32,023,000 shall be expended for management and administration of the program, as proposed in the House bill, instead of 266 positions, 266 workyears, and \$34,023,000, as proposed in the Senate bill. A request for reprogramming or transfer of funds, pursuant to section 605 of this Act, would be entertained to increase this amount by up to \$2,000,000.

**Police Hiring Initiatives.**—Funds have been provided since fiscal year 1994 to support grants for the hiring of 88,000 police officers. The conference agreement includes funding for an additional 17,000 officer grants, bringing the total number of new police officer grants under this program to 105,000, which will exceed the goals of the program before the year 2000. The conference agreement includes the expectation that hiring grants will include grants under the COPS Universal Hiring Program and the COPS MORE program in order to accomplish this goal.

**Safe schools initiative[SSI].**—The conference agreement includes \$167,500,000 for a safe schools initiative which will provide funding to police departments and sheriff's offices in

partnerships with schools and other community-based organizations to develop programs to improve the safety of elementary and secondary school children and educators in and around schools and for hiring school resource officers, as proposed in the Senate report. Officers hired under this initiative could be counted toward the COPS office hiring goal of 100,000 officers by the year 2000.

**Indian Country.**—The conference agreement includes \$35,000,000 to improve law enforcement capabilities on Indian lands, both for hiring uniformed officers and for the purchase of equipment and training for new and existing officers, as proposed by the Senate. Officers hired under this initiative are to be counted toward the COPS office hiring goal of 100,000 officers by the year 2000.

Special note is made of the need for additional police officers in Jackson, Mississippi.

**Non-Hiring Initiatives.**—The conferees understand that the COPS program expects to fund 88,000 officers by the end of the fiscal year 1998, well above the 82,667 officers projected in the fiscal year 1999 President's Budget. The conferees recognize that this is largely due to COPS' determined efforts to streamline its hiring program's grant application and obligation processes. With significant progress being made toward hiring goals of the program, the conferees want to ensure there is adequate infrastructure for the new police officers, similar to the focus that has been provided Federal law enforcement over the past several years. The conferees believe this approach will enable police officers to work more efficiently, equipped with the protection, tools, and technology they need; address crime in and around schools, provide law enforcement technology for local law enforcement, combat the emergence of methamphetamine in new areas and provide policing of "hot spots" of drug market activity, provide model initiatives for addressing domestic violence and community prosecutor programs, provide bullet proof and stab proof vests for local law enforcement officers and correctional officers, and provide additional probation and parole officers for the District of Columbia, a new federal responsibility.

Because the hiring program is ahead of schedule, the conferees understand there are sufficient budgetary resources within the program to support these initiatives and still keep the program on track to hire 100,000 officers by the end of fiscal year 2000. Specifically, the conferees direct the program to use \$180,000,000, to be made available from a combination of unobligated carryover balances and the new monies appropriated in this Act for COPS to fund initiatives that will result in more effective policing. The conferees believe that these funds should be used to address these critical law enforcement requirements and direct the program to establish the following non-hiring grant programs:

**1. COPS Technology Program.**—The conference agreement includes the direction of \$80,000,000 to be used for continued development of technologies and automated systems to assist State and local law enforcement agencies in investigating, responding to and preventing crime. In particular, there is a recognition of the importance of the sharing of criminal information and intelligence between State and local law enforcement to address multi-jurisdictional crimes.

Within the amounts made available under this program, the conference agreement includes the expectation that the office will award grants for the following technology proposals:

—\$9,000,000 for the Southwest Border States Anti-Drug Information System, which will provide for the purchase and deployment of this technology network between all State

and local law enforcement agencies in the four southwest border states—California, Arizona, New Mexico, and Texas—to provide information sharing of drug trafficking along the U.S.-Mexico border, by linking criminal and intelligence databases of these States, the El Paso Intelligence Center, and certain components of the Regional Information Sharing System;

—\$5,000,000 to expand the Regional Information Sharing System (RISS) by providing access to law enforcement member agencies to the RISS Secure Intranet to increase their ability to share and retrieve criminal intelligence information on a real-time basis;

—\$10,000,000 for the North Carolina Criminal Justice Information System, to complete development of phase II of a network to integrate data from various criminal justice agencies to meet North Carolina's public safety needs;

—\$7,000,000 to the New Hampshire Department of Public Safety for the development of a pilot intergovernmental VHF trunked digital radio system, including \$2,000,000 for phase I of development of an interoperable law enforcement communications system;

—\$3,000,000 for the I-85 police technology initiative in Anderson, Greenville, and Spartanburg Counties, SC, for computer enhancements and policing equipment upgrades;

—\$1,500,000 for the Alaska juvenile offender management system;

—\$1,100,000 for the Jackson, Mississippi, public safety automated systems and technologies;

—\$100,000 each for establishment of a 911 emergency system in Marshall County and in Moody County, South Dakota;

—\$400,000 for the Fairbanks, Alaska Police Department for computer enhancements and policing equipment upgrades;

—\$2,400,000 for the Anchorage, AK Mobile Data Terminals;

—\$650,000 for Alaskan Village Public Safety Program for technology, equipment, and training programs;

—\$1,000,000 for Utica, New York and surrounding areas for modernizing their equipment;

—\$1,500,000 for Indianapolis, Indiana sheriff's office for modernizing their equipment;

—\$1,500,000 for a demonstration project enabling local law enforcement officers to field-test a portable hand-held digital fingerprint and photo device which would be compatible with NCIC 2000;

—\$50,000 for Riverside, California computer upgrades;

—\$1,000,000 for Allegheny County, Pennsylvania for computer upgrades;

—\$100,000 for Conshohocken, Pennsylvania for computer upgrades;

—\$50,000 for Rockledge, Pennsylvania for computer upgrades;

—\$3,000,000 for videoteleconferencing equipment necessary to assist State and local law enforcement in contacting the Immigration and Naturalization Service to allow them to confirm the identification of illegal and criminal aliens in their custody;

—\$1,000,000 for Gainesville, Florida for computer upgrades;

—up to \$7,000,000, if warranted, for a juvenile justice information system for the Missouri Office of the State Courts Administrator;

—more than the amount provided in the current fiscal year for the Law Enforcement On-Line system, to add State and local users to a secure national interactive computer communications network currently being developed with the FBI;

—more than the amount provided in the current fiscal year for the Jefferson Parish, Louisiana Sheriff Department for software



development and network capability to enhance radio communications and to develop a model for interconnectivity and interoperability;

—funding at least at the current year level for Utah Communications Agency Network (UCAN) for enhancements and upgrades of security and communications infrastructure to assist with the law enforcement needs arising from the 2002 Winter Olympics;

—grants for technology to police and sheriff departments in communities that are in need of modernizing their equipment and for which alternative sources of funding are not available, including, if contacted, the communities of Compton, California; Missoula, Montana; Rural Emergency 911 Project of New Mexico; Lake County, California; Alhambra, California; and the New Jersey State Police; and, within available resources, for

—grants for the following programs for which alternative sources of funding are not available, if contacted: the Upgrade of the Criminal History Records Program for crime information and identification systems and for forensic laboratories.

In addition, the conference agreement includes support for the development of new technologies which enhance the ability of State and local law enforcement to respond to 911 calls. Recent developments with the use of the 311 non-emergency number has shown promising results and the conference agreement supports the use of these funds for this purpose.

**2. COPS Methamphetamine/Drug "Hot Spots" Program.**—The conference agreement includes the direction of \$35,000,000 to be used for State and local law enforcement programs to combat methamphetamine production, distribution, and use, and to reimburse the Drug Enforcement Administration for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs. The monies may also be used for policing initiatives in "hot spots" of drug market activity. There is an awareness that the production, trafficking, and usage of methamphetamine, an extremely destructive and addictive synthetic drug, is a growing national problem, particularly in California, the Southwest, and the Midwest. Within the amount provided for this program, the office is expected to award grants for the following methamphetamine or drug programs:

—\$18,200,000 to the California Bureau of Narcotics Enforcement's Methamphetamine Strategy, as proposed in the House report;

—\$1,200,000 for the Tri-State (Iowa/Nebraska/South Dakota) Methamphetamine Training program, as proposed in the House report;

—\$4,000,000 for the Midwest Methamphetamine Initiative, as proposed in the Senate report;

—\$1,000,000 for the Arizona Methamphetamine Initiative, as proposed in the Senate report;

—\$1,000,000 for the Rocky Mountain Methamphetamine Initiative, as proposed in the Senate report;

—\$5,000,000 for DEA support for lab and disposal of clandestine methamphetamine laboratories, as proposed in the Senate report; and

—\$1,000,000 for the Northern Utah Methamphetamine Initiative, as proposed in the Senate report.

The conference agreement also includes the expectation that the office consider funding a proposal by the Drug Abuse Resistance Education (DARE AMERICA) for pilot programs in middle schools particularly at risk to test the recently agreed upon strategies resulting from consultations between the DARE program and prevention experts

to improve the effectiveness of this program. The office is directed to work directly with the OJP, which is familiar with DARE, on this grant proposal.

**3. COPS Safe School Initiative/SSI/School Violence Initiatives.**—The conference agreement includes direction that \$17,500,000 be used to provide grants to policing agencies and schools to provide resources for programs aimed at preventing violence in public schools, and to support the assignment of officers to work in collaboration with schools and community-based organizations to address crime and disorder problems, gangs, and drug activities, as proposed in the House report.

Within the overall amounts recommended for this program, the conference agreement includes the expectation that the COPS office examine each of the following proposals, to provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

—\$250,000 for a grant to Stop Violence in Youth program to teach elementary school children through role-playing about alternatives to violence;

—\$500,000 for a grant to the Home Run Program to place probation officers in school districts to assist elementary and secondary schools with children beginning to engage in delinquent behavior; and

—\$1,500,000 for a grant to support the Juvenile Anti-Violence Demonstration Project of Future Homemakers of America for peer education program on alternatives to violence and crime.

**4. COPS Bullet-proof vests initiative.**—The conference agreement includes the direction that \$25,000,000 be used to provide State and local law enforcement officers with bullet proof vests, in accordance with Public Law 105-181, recently enacted into law. The conference agreement includes the awareness of the new Internet-based approach which the Office of Justice Program's Bureau of Justice Assistance anticipates taking to administer this program. The conference agreement includes support of both the use of technology to save administrative funds and to get vests to applicants faster and more efficiently. In support of this effort, the conference agreement supports OJP's use of up to \$1,200,000 for implementation and operation of this new system.

**5. COPS Community Policing to Combat Domestic Violence Program.**—The conference agreement includes direction that \$12,500,000 be used for the Community Policing to Combat Domestic Violence Program established pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

**6. COPS Community Prosecutors.**—The conference agreement includes direction that \$5,000,000 be used for pilot community prosecutor programs to be administered by the Office of Justice Programs.

**7. COPS D.C. Offender Services.**—The conference agreement includes direction that \$5,000,000 be used for hiring additional community supervision officers for probation, parole and pre-trial supervision activities and related program support for the District of Columbia Offender Supervision, Defender, and Court Services Agency. Within the amount, \$1,250,000 is available for case management information systems.

#### JUVENILE JUSTICE PROGRAMS

The conference agreement includes \$284,597,000 for Juvenile Justice programs, as proposed in the Senate bill, instead of \$282,950,000 as proposed in the House bill. The conference agreement includes the understanding that changes to Juvenile Justice and Delinquency Prevention Programs are being considered in the reauthorization proc-

ess of the Juvenile Justice and Delinquency Act of 1974. However, absent completion of this reauthorization process, the conference agreement provides funding consistent with the current Juvenile Justice and Delinquency Prevention Act. In addition, the conference agreement includes language that provides that funding for these programs shall be subject to the provisions of any subsequent authorization legislation that is enacted.

**Juvenile Justice and Delinquency Prevention.**—Of the total amount provided, \$267,597,000 is for grants and administrative expenses for Juvenile Justice and Delinquency Prevention programs including:

1. \$6,847,000 for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Part A).

2. \$89,000,000 for Formula Grants for assistance to State and local programs (Part B).

3. \$42,750,000 for Discretionary Grants for National Programs and Special Emphasis Programs (Part C).

Within the amount provided for Part C discretionary grants, OJJDP is directed to review the following proposals, provide a grant if warranted, and submit a report to the Committees on Appropriations of the House and the Senate on its intentions regarding:

—\$3,000,000 for a grant for Parents Anonymous, which develops partnerships with local communities to build and support strong, safe families and to help break the cycle of abuse and delinquency;

—\$1,500,000 for a grant for the continuation of the Center for Research on Crimes Against Children which focuses on improving the handling of child crime victims by the justice system;

—\$1,300,000 for a grant for the Suffolk University Center for Juvenile Justice, dedicated to representing children in criminal cases in juvenile court and children and parents in civil matters as well as gang related and abuse cases;

—\$2,000,000 for a grant for L.A. Best youth programs;

—\$2,000,000 for a grant for Intensive Services Program for Juveniles and Families;

—\$1,250,000 for a grant for the Teens, Crime and the Community program;

—\$750,000 for a grant for the Delancy Street Foundation;

—\$650,000 for a grant to develop local juvenile justice programs in rural Alaska;

—\$383,000 for a grant for the National Association of State Fire Marshals for implementing national juvenile fire setter intervention mobilization plan, as in the Senate report;

—\$250,000 for a grant for the Juvenile Offender Transition Program, a public/private partnership to reduce the rate of recidivism among juvenile offenders by partnering certain offenders with a local college or university student in a mentoring-protege program;

—\$250,000 for a grant for the Syracuse-Onondaga County Drug and Alcohol Abuse Commission;

—more than the current year level for a grant for the National Law-Related Education program, if warranted;

—more than the current year level of funding for a grant for the Hamilton Fish National Institute for School/Community Violence; and

—more than the current year level of funding for a grant to continue and expand the National Council of Juvenile and Family Courts which provides continuing legal education in family and juvenile law.

In addition, OJJDP is directed to examine each of the following proposals, provide grants if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for each proposal: a grant to the Low Country Children's

Center; a grant to Project O.A.S.I.S.; a grant to the Consortium on Children, Families, and Law; an increased grant to the Center for Prevention of Juvenile Crime and Delinquency at Prairie View University; a grant to the Women of Vision program for youthful female offenders; a grant for the Violence Institute of New Jersey; a grant for L.A. Bridges youth programs; a grant to the Compton Youth Intervention Center for after school programs; a grant to the Kids with a Promise program; a grant for Operation Quality Time; a grant for the Achievable Dream program; a grant for the Secure School pilot program; a grant for the Youth Advocates program; a grant for the Camden Urban Science Enrichment program; a grant for the Juvenile Crime Reduction Strategies pilot program; a grant for the School Security Technology Center; a grant for the New Mexico Cooperative Service Extension 4-H Youth Development program; a grant for the Adolescent Residential Treatment Program; a grant for the Coalition for Drug Free Lanai; a grant for Youth Courts in Alaska; a grant for the Sioux Falls, SD School District for youth programs; a grant for the South Dakota Unified Judicial System; a grant for the Nebraska Commission for Law Enforcement for youth programs; a grant for the Chicago Public Schools Substance Abuse program; a grant for the Minnehaha, SD County Sheriff's office for youth programs; a grant for the Essex Teen Center and other Vermont Coalition for Teen Center's members; a grant for the Comprehensive Juvenile Justice Crime Prevention initiative in Gainesville; a grant for the Multistate Youth Violence Prevention Network; a grant to the State of Hawaii to combat teen prostitution; and a grant for Safe Places for Kids.

The conference agreement urges the Office of Juvenile Justice and Delinquency Prevention to work with the Head Start Bureau and other Federal agencies to coordinate an effort to increase public/private partnerships, such as Free to Grow, aimed at strengthening families and communities in their efforts to reduce the negative effect of substance abuse and use on the development of young children.

4. \$12,000,000 to expand the Youth Gangs (Part D) program which provides grants to public and private nonprofit organizations to prevent and reduce the participation of at-risk youth in the activities of gangs that commit crimes. In addition, OJJDP is directed to examine each of the following proposals, provide grants if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for each proposal: \$100,000 for the Metro Denver Gang Coalition; a grant to Operation Clean Break; a grant for the Fairbanks, AK Gang Task Force; and a grant for the Sisseton, SD Gang Task Force.

5. \$10,000,000 for Discretionary Grants for State Challenge Activities (Part E) to increase the amount of a State's formula grant by up to 10 percent, if that State agrees to undertake some or all of the ten challenge activities designed to improve various aspects of a State's juvenile justice and delinquency prevention program.

6. \$12,000,000 for the Juvenile Mentoring Program (Part G) to reduce juvenile delinquency, improve academic performance, and reduce the drop-out rate among at-risk youth through the use of mentors by bringing together young people in high crime areas with law enforcement officers and other responsible adults who are willing to serve as long-term mentors. Within the amount provided OJJDP is directed to provide a grant in an amount greater than the current year level for the Big Brothers Big Sisters of America program.

7. \$95,000,000 for Incentive Grants for Local Delinquency Prevention Programs (Title V),

to units of general local government for delinquency prevention programs and other activities for at-risk youth. The Title V program provides funding on a formula basis to States, to be distributed by the State for use by local units of government and locally-based public and private agencies and organizations. Administration of these funds on a formula basis ensures fairness in the distribution process.

*Safe School Initiative/SSI.*—The conference agreement includes \$15,000,000 within the Title V grants for the Safe School initiative as proposed in the Senate report.

*Tribal Youth Program.*—The conference agreement includes \$10,000,000 within the Title V grants for programs to reduce, control and prevent crime, as proposed in the Senate report.

*Enforcing the Underage Drinking Laws Program.*—The conference agreement includes \$25,000,000 within the Title V grants for programs to assist States in enforcing underage drinking laws, as proposed in the Senate report, which may include, if warranted, breath alcohol testing mobiles for the Vermont Department of Public Service. Projects funded may include: Statewide task forces of State and local law enforcement and prosecutorial agencies to target establishments suspected of a pattern of violations of State laws governing the sale and consumption of alcohol by minors; public advertising programs to educate establishments about statutory prohibitions and sanctions; and innovative programs to prevent and combat underage drinking.

*Drug Prevention Program.* While crime is on the decline in certain parts of America, a dangerous precursor to crime, namely teenage drug use, is on the rise and may soon reach a 20-year high. The conference agreement includes \$10,000,000, as proposed in the House bill, to develop, demonstrate and test programs to increase the perception among children and youth that drug use is risky, harmful, and unattractive.

*Victims of Child Abuse Act.*—The conference agreement includes \$7,000,000 for the various programs authorized under the Victims of Child Abuse Act (VOCA), as proposed in the House bill. The following programs are included in the agreement:

—\$1,000,000 to establish Regional Children's Advocacy Centers, as authorized by section 213 of VOCA;

—\$4,000,000 to establish local Children's Advocacy Centers, as authorized by section 214 of VOCA;

—\$1,500,000 for a continuation grant to the National Center for Prosecution of Child Abuse for specialized technical assistance and training programs to improve the prosecution of child abuse cases, as authorized by section 214a of VOCA; and

—\$500,000 for a continuation grant to the National Network of Child Advocacy Centers for technical assistance and training, as authorized by section 214a of VOCA.

#### PUBLIC SAFETY OFFICERS BENEFITS

The conference agreement includes \$31,809,000, as proposed by the Senate, instead of \$32,309,000, as proposed by the House, in direct appropriations and assumes \$4,250,000 in carryover which will fully fund anticipated payments.

In addition, the conference agreement assumes \$3,200,000 in carryover balances for lump-sum payments to public safety officers who are permanently disabled in the line of duty, and \$1,050,000 in carryover balances to pay for higher education to dependants of Federal, State and local public safety officers who are killed or permanently disabled in the line of duty.

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following general provisions for the Department of Justice:

*Section 101.*—The conference agreement includes section 101 as proposed by both the House and Senate bills, which makes up to \$45,000 of the funds appropriated to the Department of Justice available for reception and representation expenses.

*Sec. 102.*—The conference agreement includes section 102 as proposed in the House bill, which continues certain authorities for the Justice Department in fiscal year 1999 that were contained in the Department of Justice Authorization Act, fiscal year 1980.

*Sec. 103.*—The conference agreement includes section 103 as proposed by both the House and Senate bills, which prohibits the use of funds to perform abortions in the Federal Prison System.

*Sec. 104.*—The conference agreement includes section 104 as proposed by both the House and Senate bills, which prohibits use of the funds to require any person to perform, or facilitate the performance of, an abortion.

*Sec. 105.*—The conference agreement includes section 105 as proposed by both the House and Senate bills, which states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility.

*Sec. 106.*—The conference agreement includes section 106 as proposed by both the House and Senate bills, which allows the Department of Justice to spend up to \$10,000,000 for rewards for information regarding acts of terrorism against a United States person or property at levels not to exceed \$2,000,000 per reward.

*Sec. 107.*—The conference agreement includes section 107 as proposed by both the House and Senate bills, which allows the Department of Justice, subject to reprogramming procedures, to transfer up to 5 percent between any appropriation, but limits to 10 percent the amount that can be transferred into any one appropriation.

*Sec. 108.*—The conference agreement includes section 108 as proposed in the Senate bill, and similar to language in the House bill, that allows the Bureau of Prisons to make expenditures from the Commissary Fund for an Inmate Telephone System and for other purposes.

*Sec. 109.*—The conference agreement includes section 109, as proposed in the House bill, which replaces injury and death-related benefits for INS officers with the same humanitarian expenses given to Federal Bureau of Investigation and Drug Enforcement Administration employees. The Senate bill had no similar provision.

*Sec. 110.*—The conference agreement includes section 110, as proposed in the House and Senate bills, which merges the Legalization Account into the Examinations Fee Account.

*Sec. 111.*—The conference agreement includes section 111, as proposed in the House bill, which requires the Bureau of Prisons to report on privately operated prison security issues. The Senate bill had no similar provision.

*Sec. 112.*—The conference agreement includes section 112, as proposed in the Senate bill, to authorize the Assistant Attorney General for the Office of Justice Programs (OJP) to have final authority over all grants, contracts, and cooperative agreements for OJP and its component organizations. The House had no similar provision.

*Sec. 113.*—The conference agreement includes section 113, as proposed by the Senate

bill, which clarifies the term "tribal" for the purpose of making grant awards under programs funded in this title so that certain Indian tribes in Alaska may receive funds. The House bill had no similar provision.

*Sec. 114.*—The conference agreement includes section 114, as proposed by the Senate, which expands the exemption of cruise ship passengers from inspection fees to include ships which originate from a State but go into international waters or ports. The House bill had no similar provision.

*Sec. 115.*—The conference agreement includes a new provision, modified from the Senate bill, authorizing the Attorney General to waive certain Federal acquisition rules and regulations in certain instances related to counterterrorism, national security, or computer crime investigations and prosecutions. The House bill did not address this matter.

*Sec. 116.*—The conference agreement includes section 116, modified from the provision in the Senate bill, which changes the implementation date of Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act at the land and sea ports of entry to March 30, 2001, and adds that the system will not significantly disrupt legitimate cross-border traffic, instead of repealing the requirement.

*Sec. 117.*—The conference agreement includes a new provision, amending the Controlled Substances Act, to change the legal standard for civil violations of recordkeeping requirements for control of licit drugs to a "negligence" standard, and reduce the maximum civil penalty to \$10,000. The Senate bill proposed changing the standard to "knowing" standard, and limiting civil penalties to \$500. The House bill did not address this matter.

The conference agreement provides a balanced approach with respect to record keeping violations with regard to legitimate law enforcement needs and the need to provide relief from enforcement policies which impose relatively high financial penalties for record keeping violations. In assessing whether to pursue civil penalties and determining the appropriate amount of the fine to be assessed associated with record keeping violations, the Attorney General should take into account the following: whether diversion actually occurred or if the record keeping violations are of such a nature that it cannot be determined whether diversion occurred; whether actual or potential harm to the public resulted; whether the violations were intentional or negligent in nature; whether the violations were a first time offense; time intervals between inspections where no or any serious violations were found; whether the violations were multiple occurrences of the same type of violation; whether and to what extent the defendant profited from the illegal activity; and the financial capacity of the defendant to pay the fine assessed. In addition, the Attorney General may take into account whether the violator has taken immediate and effective corrective actions. In appropriate situations, the Attorney General shall act through informal procedures such as warning letters. The civil penalty limit of \$10,000 per violation is a ceiling and the Attorney General has the discretion to request and the courts the discretion to waive or impose amounts less than this limit as the circumstances warrant.

*Sec. 118.*—The conference agreement includes section 118, as proposed in the Senate bill, directing the General Accounting Office to monitor and report to the Committees on Judiciary and Appropriations about the compliance of the Department of Justice and all U.S. Attorneys with the "Guidance on the Use of the False Claims Act in Civil Health

Care Matters" issued by the Department of Justice on June 3, 1998, including any revisions to that guidance. These reports shall be submitted to Congress no later than February 1, 1999, and August 2, 1999. The reports shall be prepared in a manner that does not impede the ongoing investigations of the Department of Justice and its preparation shall be consistent with longstanding DOJ and GAO protocols. It is recommended that the Department of Justice, the Department of Health and Human Services Office of Inspector General, and the Health Care Financing Administration communicate and consult with the health-care-provider community on accurate billing practices, national initiatives, and present and future guidelines.

*Sec. 119.*—The conference agreement includes section 119, as proposed by the Senate, which amends Title 18 to expand the definition of firearms safety devices and to require gun dealers to certify that they have made available for sale secure gun storage or safety devices. The House bill had no similar provision.

*Sec. 120.*—The conference agreement includes section 120, as proposed by the Senate, which permits the use of Byrne Discretionary Grant funding for firearm safety education programs for criminal justice personnel and the general public. The House bill had no similar provision.

*Sec. 121.*—The conference agreement includes section 121, as proposed by the Senate, which amends Title 18 to expand the restrictions on non-citizens purchasing firearms. The House bill had no similar provision.

*Sec. 122.*—The conference agreement includes section 122, as proposed by the Senate, which amends a provision in the criminal code to expand the Attorney General's administrative subpoena authority involving a federal health care offense to also include activities involving federal offenses relating to the sexual exploitation of children. The House bill had no similar provision.

*Sec. 123.*—The conference agreement includes section 123, as proposed by the Senate, which contains technical corrections to a provision which establishes criminal penalties for convicted sexual offenders who are required to register in a State program and fail to do so. The House bill had no similar provision.

*Sec. 124.*—The conference agreement includes a provision, modified from the Senate bill, to authorize nursing facilities and home health care agencies to submit requests for fingerprint background checks to the FBI. The House bill contained no similar provision.

*Sec. 125.*—The conference agreement includes a new provision to allow the payment of certain relocation expenses for employees of the Departments of Justice and Treasury assigned to Puerto Rico and other U.S. Territories. Neither the House nor Senate bills addressed this matter.

*Sec. 126.*—The conference agreement includes a new provision reducing the amounts appropriated under this title by \$20,038,000, with reductions to specific accounts in accordance with the chart on Year 2000 compliance funding dated September 17, 1998, provided to Congress by the Department of Justice. It is expected that such Year 2000 compliance requirements can be met by accessing a U.S. government-wide fund for Y2K compliance. Neither the House nor Senate bills addressed this matter.

*Sec. 127.*—The conference agreement includes section 127, as proposed by the Senate, which prohibits the disclosure of financial records and identifying information of any corrections officer in an action brought by a prisoner. The House had no similar provision.

*Sec. 128.*—The conference agreement includes section 128, as proposed by the Senate,

which exempts from a numerical limitation the adjustment of status to that of permanent residence pursuant to immigration laws for certain Iraqi nationals moved to Guam by the U.S. government. The agreement does not include the waiver of the filing fee. The House bill had no similar provision.

*Sec. 129.*—The conference agreement includes section 129 to amend the Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for a uniform definition of the term "unit of local government".

*Sec. 130.*—The conference agreement includes section 130, that appropriates such sums as may be necessary to the Federal Savings and Loan Insurance Corporation Resolution Fund (FRF) for payments of judgments against the United States and compromise settlements of claims in suits against the United States and compromise settlements of claims in suits against the United States arising from the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) and its implementation. In addition, this section acknowledges the existing authority for the Federal Deposit Insurance Corporation to transfer funds from the FRF to the Department of Justice to support litigation expenses associated with FIRREA cases, and that funds provided in this Act may not be used for such litigation expenses.

## TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES TRADE AND INFRASTRUCTURE DEVELOPMENT RELATED AGENCIES

### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

#### SALARIES AND EXPENSES

The conference agreement includes \$24,200,000 for the salaries and expenses of the Office of the United States Trade Representative, instead of \$24,000,000 as proposed in the House bill, and \$24,836,000 as proposed in the Senate bill, an increase of \$750,000 above the fiscal year 1998 level.

The conference agreement provides the full request for inflationary adjustments and annualization costs for 14 additional personnel provided for in fiscal year 1998. The conference agreement does not provide \$140,000 requested for two additional personnel in fiscal year 1999. In addition, \$504,000 is not appropriated for Year 2000 compliance activities, and instead it is expected that such requirements can be met by accessing a U.S. Government-wide fund for Year 2000 compliance.

The conference agreement also includes bill language similar to a provision included in the Senate bill, allowing up to \$1,000,000 to remain available until expended. The House bill did not provide such authority.

### INTERNATIONAL TRADE COMMISSION

#### SALARIES AND EXPENSES

The conference agreement includes \$44,495,000 for the salaries and expenses of the International Trade Commission (ITC) for fiscal year 1999, instead of \$44,200,000 as proposed in the House bill and \$45,500,000 as proposed in the Senate bill. The amount provided includes full funding to maintain operations and staffing at the current level of 396 full-time equivalents (FTE), and includes funds for an additional 24 FTE for activities related to sunset reviews required under the Uruguay Round Agreements Act, including litigation and rulemaking support.

### DEPARTMENT OF COMMERCE

#### INTERNATIONAL TRADE ADMINISTRATION OPERATIONS AND ADMINISTRATION

The conference agreement includes \$286,264,000 in new budgetary resources for

the operations and administration of the International Trade Administration for fiscal year 1999, of which \$1,600,000 is derived from fee collections, instead of \$283,123,000 as proposed by the House bill, and \$309,314,000 as recommended in the Senate bill. In addition to this amount, the conference agreement assumes \$6,000,000 in prior year carryover and \$10,493,000 from excess revenues available from prior years for trade activities, resulting in a total fiscal year 1999 availability of \$302,757,000.

The following table reflects the distribution of funds by activity included in the conference agreement:

Trade Development .....	\$59,280,000
Market Access and Compliance .....	17,779,000
Import Administration .....	31,047,000
U.S. & F.C.S. ....	182,736,000
Executive Direction and Administration .....	11,915,000
Fee Collections .....	(1,600,000)
Carryover/Trade Show Revenue .....	(16,493,000)
<b>Total, ITA .....</b>	<b>284,664,000</b>

ITA is directed to follow the direction included in the House report regarding submission of a spending plan, as well as guidance regarding changes in the funding distribution provided for this under this account.

**Trade Development (TD).**—The conference agreement provides \$59,280,000 for this activity. Of the amounts provided, \$47,325,000 is for the TD base program, the full amount requested, and \$1,200,000 is for a new trade statistics improvement initiative as described in the House report. In addition, within the amounts provided, \$7,500,000 is for the National Textile Consortium, and \$2,500,000 is provided for the Textile/Clothing Technology Corporation. Further, the conference agreement includes continued funding for the Access Mexico program at the level recommended in the Senate report, and provides \$500,000 for continuation of the international global competitiveness initiative recommended in the House report.

**Market Access and Compliance (MAC).**—The conference agreement includes a total of \$17,779,000 for this activity, the full amount requested for the base program. The conferees have not provided additional funds for specialized activities previously supported by the Agency for International Development (AID). Should ITA wish to integrate these specialized activities into its regular programs, a reprogramming should be submitted in accordance with section 605 of this Act.

**Import Administration.**—The conference agreement provides \$31,047,000 for the Import Administration. ITA is directed to submit a report to the Committees on Appropriations on related party importers no later than February 1, 1999 in accordance with the direction included in both the House and Senate reports.

**U.S. and Foreign Commercial Service (U.S. & FCS).**—The conference agreement includes \$182,736,000 for the programs of the U.S. & FCS, an increase of \$11,666,000 over the fiscal year 1998 funding level. Within the increase provided, \$7,666,000 is for requested adjustments to base, and \$3,000,000 is for increased staffing at domestic and overseas field offices. The amounts provided are to be used to support no less than 1,256 full-time equivalents (FTE) for the U.S. & FCS in fiscal year 1999, an increase of 7 FTE above the request, and ITA is directed to submit a plan for the allocation of these resources no later than December 15, 1998, in accordance with the direction included in the House report. In addition, within the amounts provided, \$1,000,000 is for continuation of the Rural Export Initiative at its current level.

**Executive Direction and Administration.**—The conference agreement includes \$11,915,000 for the administrative and policy functions of the ITA. Further, ITA is expected to follow the direction included in the House report regarding support for Departmental trade activities.

ITA should also follow the direction included in the House report regarding trade missions, and the direction in the Senate report regarding the establishment of a foreign currency exchange rate account.

#### EXPORT ADMINISTRATION

##### OPERATIONS AND ADMINISTRATION

The conference agreement includes \$52,331,000 for the Bureau of Export Administration (BXA), instead of \$47,777,000 as proposed in the House bill, and \$45,496,000 as proposed in the Senate bill. The conference agreement assumes \$2,000,000 will be available from prior year carryover, resulting in total availability of \$48,331,000. Of this amount, \$23,646,000 is for Export Administration; \$21,505,000 is for Export Enforcement; and \$3,180,000 is for Management and Policy Coordination.

The conferees note that over the last two years, BXA has received \$1,800,000 in increased funding for additional responsibilities resulting from the transfer of certain export control functions from the Department of State. The conferees understand that the National Defense Authorization Act of 1999 transfers these responsibilities back to the Department of State, thus eliminating these additional duties. Therefore, while the conference agreement does not include \$1,729,000 for requested program increases for Export Enforcement, BXA is expected to submit a reprogramming in accordance with section 605 of this Act reallocating resources to the highest priority enforcement activities within BXA.

In addition, the conference agreement provides \$2,650,000 for Chemical Weapons Convention implementation activities, instead of \$3,503,000 as requested, due to continued delays in the enactment of implementation legislation.

The conference agreement also includes bill language, as proposed in the House bill, requiring congressional notification prior to the processing of licenses for the export of satellites systems to the People's Republic of China. The conferees expect such notifications to be made jointly with the Department of State.

Presidential Decision Directive 63 (PDD-63) recommended that BXA assume responsibility for the Critical Infrastructure Assurance Office (CIAO) in fiscal year 1999. The CIAO provides the policy and coordination support for the President's Critical Infrastructure Protection Initiative. While the budget requested that the CIAO be funded through the Department of Justice Counterterrorism Fund, the conference agreement does not allow for the expansion of this Fund to pay for the operational costs of other Federal agencies participating in this government-wide initiative. Instead, the conference agreement includes \$6,000,000 for the CIAO within the Department of Commerce. However, protection of our nation's critical infrastructure should be a priority for all Federal agencies, and as such, should be reflected within each agency's budget. Therefore, while the conference agreement includes additional funds to pay the costs for all agencies' participation in the CIAO, future budget requests shall be consistent with the recommendations of PDD-63 which requires each agency to provide support to the CIAO on a non-reimbursable basis.

#### ECONOMIC DEVELOPMENT ADMINISTRATION

##### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes \$368,379,000 for the Economic Development Administration grant programs as proposed in the House bill, instead of \$279,934,000 as proposed in the Senate bill. EDA is expected to allocate this funding in accordance with the distribution and direction included in the House report.

##### SALARIES AND EXPENSES

The conference agreement includes \$24,000,000 for salaries and expenses for the EDA, instead of \$25,000,000 as proposed in the House bill, and \$21,761,000 included in the Senate bill. In addition, the conference agreement assumes EDA will have up to \$3,500,000 in prior year carryover available under this account, resulting in a total availability of \$27,500,000. The conference agreement does not include funds to allow EDA to hire Brownfields technicians and trade specialists. Instead, the funds provided are to be used to support the traditional EDA programs, with priority given to ensuring a fully staffed field component.

#### MINORITY BUSINESS DEVELOPMENT AGENCY

##### MINORITY BUSINESS DEVELOPMENT

The conference agreement includes \$27,000,000 for the programs of the Minority Business Development Agency (MBDA), instead of \$25,276,000 included in the House bill and \$25,196,000 included in the Senate bill. The conference agreement assumes that MBDA will continue its support for the Entrepreneurial Technology Apprenticeship Program at the current level, as directed in the House report.

#### ECONOMIC AND INFORMATION INFRASTRUCTURE

##### ECONOMIC AND STATISTICAL ANALYSIS

##### SALARIES AND EXPENSES

The conferees have provided \$48,490,000 for salaries and expenses of the activities funded under the Economic and Statistical Analysis account, instead of \$48,000,000 as proposed in the House bill and \$48,981,000 included in the Senate bill. The conference agreement adopts the directive included in the House report regarding the Integrated Environmental-Economic Accounting or "Green GDP" initiative.

#### ECONOMICS AND STATISTICS ADMINISTRATION

##### REVOLVING FUND

The conference agreement does not include language, contained in the Senate bill, providing authority for the operation and financing of this Fund, as such authority has been made permanent.

#### BUREAU OF THE CENSUS

##### SALARIES AND EXPENSES

The conference agreement includes \$136,147,000 for the Bureau of the Census Salaries and Expenses account, instead of \$140,147,000 as proposed in the House bill, and \$141,259,000 as proposed in the Senate bill. The conference agreement does not include \$10,000,000 for base requirements related to Year 2000 compliance, and instead assumes this requirement will be met by accessing funds that are expected to be provided separately through a U.S. Government-wide Year 2000 compliance fund. Therefore, within the amounts provided, \$4,346,000 is appropriated for continued implementation of the North American Industry Classification System, as proposed in the House bill. Due to overall funding constraints, the conference agreement does not provide additional program increases for an initiative recommended in the House bill to improve data collection for Gross Domestic Product estimates. However, the conferees are supportive of this initiative and look forward to working with the Bureau in the future to address this matter.

The Bureau is expected to follow the direction included in both the House and Senate reports regarding full reimbursement for any non-core survey requested by any other Federal agency or private organization, as well as the guidance included in the House report regarding the Single Audit Clearinghouse database.

#### PERIODIC CENSUSES AND PROGRAMS

The conference agreement provides \$1,186,902,000 for the Census Bureau's Periodic Censuses and Programs account, instead of \$1,111,887,000 as proposed in the House bill, \$998,626,000 as recommended in the Senate bill, and \$1,027,784,000 as requested in the budget.

**Decennial Census.**—The recommendation includes \$1,026,936,000 as a separate appropriation under this account for fiscal year 1999 for decennial census programs, instead of \$951,936,000 as recommended in House bill, \$845,246,000 as provided in the Senate bill, and \$848,503,000 as requested in the budget. The conference agreement does not include \$10,900,000 for base requirements related to Year 2000 compliance, and instead assumes this requirement will be met by accessing funds that are expected to be provided separately through a U.S. Government-wide Year 2000 compliance fund. Therefore, the conference agreement provides a total of \$189,333,000 above the request to ensure that the Census Bureau is fully prepared to implement the 2000 decennial census. The conference agreement provides funds in accordance with the distribution in the House report, with the following additions above the House allowance: (1) an additional \$23,000,000 for the cost associated with staffing all Census offices in fiscal year 1999; (2) an additional \$17,000,000 for the costs associated with promotion, marketing, and outreach activities; and (3) \$35,000,000 for the costs associated with modifying the census questionnaire and related data capture systems to accommodate a six person questionnaire.

The conference agreement also appropriates \$4,000,000 for the bipartisan Census Monitoring Board in accordance with section 210 of Public Law 105-119, as included in the House bill. The Senate bill did not recommend funding for the Board.

**Other Periodic Programs.**—The conference agreement includes \$155,966,000 for non-decennial census periodic programs, instead of \$155,951,000 as proposed in the House bill, and \$153,955,000 as proposed in the Senate bill, as follows:

Economic Censuses .....	\$50,546,000
Census of governments .....	3,735,000
Intercensal Demographic estimates .....	5,260,000
Continuous measurement ..	20,000,000
Sample redesign .....	4,478,000
Electronic Information Collection .....	7,457,000
Geographic support .....	41,742,000
Data processing systems ...	22,748,000
<b>Total .....</b>	<b>155,966,000</b>

**Economic Statistic Programs.**—The conference agreement provides \$54,281,000 for Economic Censuses and the Census of Governments. Should additional funds be required for these activities, a reprogramming should be submitted in accordance with section 605 of this Act.

**Continuous Measurement.**—The Bureau is expected to address the concerns expressed in both the House and Senate reports regarding this program, and is directed to comply with the direction included in both reports on this matter.

#### NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION SALARIES AND EXPENSES

The conference agreement includes \$10,940,000 for the National Telecommuni-

cations and Information Administration (NTIA) salaries and expenses as proposed in the House bill, instead of \$10,898,000 as proposed in the Senate bill. In addition, the conference agreement assumes that NTIA will receive an additional \$19,271,000 through reimbursements from other agencies for the costs of providing spectrum management, analysis and research services to those agencies.

#### PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes \$21,000,000 for the Public Telecommunications Facilities, Planning and Construction (PTFP) program as proposed in the House bill, instead of \$20,889,000 as proposed in the Senate bill. NTIA is expected to use this funding for the existing equipment and facilities replacement program, and to maintain an acceptable balance between traditional grants and those to stations converting to digital broadcasting.

The conference agreement allows up to \$1,800,000 of this amount to be used for program administration, as provided in the House bill, instead of \$1,500,000 recommended in the Senate bill. The conference agreement contains language, similar to a provision carried in fiscal year 1998, making the Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT) program eligible to compete for funding under this account. Neither the House nor Senate bills included this provision.

#### INFORMATION INFRASTRUCTURE GRANTS

The conference agreement includes \$18,000,000 for NTIA's Information Infrastructure Grant program, instead of \$16,000,000 as recommended in the House bill, and \$19,989,000 as recommended in the Senate bill.

The Senate bill increased funds for this account through an across-the-board reduction in other accounts in this title which has not been adopted in the conference agreement. It is anticipated that implementation of the universal service funds requirements of the Telecommunications Act of 1996 will reduce the funding requirements under this account. The conference agreement also contains bill language, as proposed in Section 215 of the Senate bill, to prohibit funds under this account from being used to support activities for which funding is provided through other programs. The House bill did not address this matter.

Bill language is also included, as proposed in the House bill, as follows: (1) allowing funds to be used for certain purposes; (2) designating \$3,000,000 for program administration; and (3) allowing not to exceed five percent of the total amount provided to be used for certain telecommunications research activities. The Senate bill did not address these matters.

#### PATENT AND TRADEMARK OFFICE SALARIES AND EXPENSES

The conference agreement provides a total funding level of \$785,526,000 for the Patent and Trademark Office (PTO) in fiscal year 1999, as proposed in the House bill, instead of \$782,523,000 as recommended in the Senate bill. Of this amount, \$745,026,000 is to be derived from fiscal year 1999 offsetting fee collections, and \$40,500,000 is to be derived from carryover of prior year fee collections. This amount represents an increase of \$80,623,000, or 11%, above the fiscal year 1998 operating level of the PTO. Bill language is included, similar to that contained in the House bill, providing for the collection and expenditure of fees pursuant to current statutory authority. In addition, new language is included to extend the current patent fee schedule in fiscal year 1999, until such time as legislation

is enacted to establish a new fee schedule. This language is required because of the delay in enactment of necessary authorization legislation to reestablish a fee structure to provide for PTO's operational needs.

The conference agreement does not include language, as proposed in the Senate bill, concerning build-out and relocation costs associated with the consolidation of PTO's headquarters. The House bill contained no similar provisions. In fiscal year 1999, the PTO is expected to enter into a lease agreement to consolidate their offices. This relocation is to be completed in 2001. Concerns have been raised about the potential cost of finishing and furnishing this new facility. However, the request for funds for these purposes is not anticipated to begin until fiscal year 2001. Therefore, the conference agreement does not address this issue, and instead consideration of such limitations has been deferred until such time as the funds are requested by the agency and such needs can be analyzed.

The PTO is expected to follow the direction included in the House report concerning its partnership with the National Inventor's Hall of Fame and Inventure Place, as well as the direction included in the Senate report regarding the establishment of an intellectual property database.

#### SCIENCE AND TECHNOLOGY

##### TECHNOLOGY ADMINISTRATION

#### UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

##### SALARIES AND EXPENSES

The conference agreement includes \$9,495,000 for the Technology Administration (TA), instead of \$9,000,000 as proposed in the House bill, and \$9,955,000 as proposed in the Senate bill. Of this amount, \$2,300,000 is for the Experimental Program to Stimulate Competitive Technology (EPSCoT), and bill language is included making a portion of these funds available for two years. As recommended in the Senate report, TA is expected to allow New Hampshire to compete for funding under the EPSCoT program. In addition, TA is expected to continue its efforts to implement its plan for the program. In addition, TA is directed to follow the direction included in the House regarding support for foreign policy initiatives.

#### NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

##### SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes \$280,136,000 for the internal (core) research account of the National Institute of Standards and Technology, instead of \$280,470,000 as proposed in the House bill, and \$290,482,000 as proposed in the Senate bill.

The conference agreement provides funds for the core research programs of NIST as follows:

Electronics and Electrical Engineering .....	\$38,427,000
Manufacturing Engineering .....	19,368,000
Chemical Science and Technology .....	32,493,000
Physics .....	28,434,000
Material Sciences and Engineering .....	51,335,000
Building and Fire Research .....	14,898,000
Computer Science and Applied Mathematics .....	43,943,000
Technology Assistance .....	17,131,000
Baldrige Quality Awards .....	4,870,000
Research Support .....	29,237,000
<b>Total, STRS .....</b>	<b>280,136,000</b>

The conference agreement includes full funding for all base activities for the internal research programs of NIST, and includes

selected program increases for the highest priority programs, as follows: (1) \$1,800,000 for semiconductor metrology; (2) \$1,200,000 to continue the disaster research program on effects of windstorms on protective structures and other technologies begun in fiscal year 1998; (3) \$2,500,000 for increased support for international standards activities; and (4) \$1,800,000 to expand the Malcolm Baldrige Quality Awards program to health care and education. NIST is directed to follow the guidance included in the House report regarding the placement of NIST personnel overseas.

The conference agreement includes bill language allowing up to \$1,625,000 of amounts available under this account to be transferred to the NIST Working Capital Fund, as proposed in the Senate bill, instead of \$1,800,000 as recommended in the House bill.

#### INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes \$310,300,000 for the NIST external research account instead of \$287,000,000 as proposed in the House bill and \$299,142,000 as proposed in the Senate bill.

**Manufacturing Extension Partnership Program.**—The conference agreement includes \$106,800,000 for the Manufacturing Extension Partnership Program (MEP) as proposed in both the House and Senate bills, the full amount requested, to be distributed in accordance with the direction included in the House report. NIST is directed to comply with the direction included in the Senate report regarding an independent evaluation of the MEP program.

As recommended in the House bill, language is included waiving the statutory six-year limitation on Federal funding for each MEP Regional Center, subject to certain conditions, as requested in the budget. The Senate bill contained a similar waiver provision. Language is not included allowing up to \$300,000 of the funds provided to the MEP program to be transferred to the NIST Working Capital Fund, as proposed in the Senate bill.

**Advanced Technology Program.**—The conference agreement includes \$203,500,000 for the Advanced Technology Program (ATP), as recommended in the Senate bill, instead of \$180,200,000 as proposed in the House bill. The recommendation provides the following: (1) \$120,200,000 for continued funding requirements for awards made in fiscal years 1996, 1997, and 1998 to be derived from \$96,400,000 in fiscal year 1999 funding and \$23,800,000 from excess balances available from prior years; (2) \$66,000,000 for new awards in fiscal year 1999; and (3) \$41,100,000 for administration, internal NIST lab support and Small Business Innovation Research requirements. NIST is expected to comply with the direction included in the House report regarding reprogramming requirements and review of the current mortgage estimation formula, as well as the direction included in the Senate report regarding an outside assessment of this program. In addition, language is included in the bill designating the amounts available for new ATP awards, similar to language included in both the House and Senate bills.

#### CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement provides \$56,714,000 for construction, renovation and maintenance of NIST facilities, as proposed in the House bill, instead of \$56,684,000 included in the Senate bill. NIST is expected to follow the direction included in both the House and Senate reports regarding construction of the Advanced Metrology Laboratory. In addition, bill language is included making \$40,000,000 of the funds provided in this account available upon submission of a spending plan in accordance with Section 605 of this Act.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement provides a total funding of \$2,166,001,000 for all programs of the National Oceanic and Atmospheric Administration (NOAA), instead of \$2,009,861,000 as proposed by the House, and \$2,201,167,000 as proposed by the Senate. Of these amounts, the conferees have included \$1,579,844,000 in the Operations, Research, and Facilities (ORF) account, \$584,677,000 in the Procurement, Acquisition and Construction (PAC) account, and \$1,480,000 in other NOAA accounts.

#### OPERATIONS, RESEARCH, AND FACILITIES (INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes \$1,579,844,000 for the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration instead of \$1,470,042,000 as proposed by the House and \$1,612,027,000 as proposed in the Senate bill.

In addition to the new budget authority provided, the conference agreement allows a transfer of \$63,381,000 from balances in the account titled "Promote and Develop Fishery Products and Research Related to American Fisheries," as proposed in the House bill, instead of \$63,073,000 as proposed by the Senate. This amount will support an estimated \$4,177,000 Saltonstall-Kennedy grant program. The total amount provided also includes a transfer of \$4,714,000 from the Damage Assessment Revolving Fund, as included in the budget request. In addition, the conference agreement reflects prior year deobligations totaling \$33,000,000.

The conference agreement does not include language proposed in the House bill designating the amounts provided under this account for the six NOAA line offices. The Senate bill contained no similar provision. Language is not included as proposed by the House designating amounts available for certain administrative support functions and common services, as well as language regarding the use of deobligations. The Senate bill did not address this matter. Instead, NOAA is expected to work with the Committees on Appropriations to address these matters in the context of complying with the direction included in the House report regarding the development of a revised budget structure for NOAA. Further, NOAA is expected to comply with the direction included in the House report to rectify financial and budgetary management deficiencies.

The conference agreement includes modified language limiting administrative charges levied against certain activities assigned in the conference report to only the direct costs associated with administering these activities. It has become apparent that certain administrative charges and assessments have been applied against activities assigned in previous House, Senate and conference reports, and this language is included to eliminate the practice of applying non-specific charges against these assigned activities. While there are legitimate administrative expenses such as accounting, audit and travel costs associated with administering such activities, NOAA is directed to diligently monitor these expenses. Further, such expenses are limited to no more than five percent. In addition, NOAA is directed to report to the Committees on Appropriations no later than December 15, 1998, the list of these assigned activities and the anticipated direct charges to be applied. This language and direction is intended to ensure that congressional intent is carried out while recognizing the legitimate expenses of the agency in carrying out these assigned activities. This language is not intended to affect assessments charged to NOAA line organizations for centrally administered common services and administrative support discussed in the previous paragraph.

The conference agreement does not include \$22,281,000 in controversial new fisheries and navigation safety fees, as proposed in the budget request. While fees are appropriate to support certain activities within NOAA, such proposals will only be accepted if they are carefully developed with input from all interested and affected parties, and in consultation with the Congress.

**NOAA Commissioned Corps.**—The conference agreement includes language setting the ceiling on the number of commissioned corps officers in fiscal year 1999 at not more than 250 by September 30, 1998, instead of a ceiling of 240 officers as included in the House bill. The Senate bill did not include a similar provision. On June 17, 1998, the Administration took action to resolve the uncertainty regarding the future of the NOAA Corps by announcing its decision to continue the NOAA Corps. As part of this decision, NOAA proposed a series of management changes to realign the NOAA Corps staffing structure to emphasize ship and aircraft services and support; and to conduct periodic reviews of Corps staffing needs as ships and aircraft are decommissioned and mission requirements change. NOAA is encouraged to implement its proposal, as well as to begin recruiting new Corps officers to resolve current imbalances in the complement of NOAA Corps officers, and to report back to the Committees on Appropriations by December 15, 1998 on the status of these efforts.

Except for the additional funding described under the heading "Other" at the end of this account, the following table reflects the distribution of the funds provided in this conference agreement:

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 1999

	Fiscal year—			
	1998 enacted	1999 request	1999 House	1999 Senate conference
NATIONAL OCEAN SERVICE				
Navigation Services:				
Mapping and Charting	30,100	30,100	31,000	32,000
Address Survey Backlog	13,900	8,500	16,000	8,500
Subtotal	44,000	38,600	47,000	40,500
Geodesy	20,700	19,159	19,159	20,659
Tide and Current Data	11,350	11,000	12,000	11,000
Acquisition of Data	14,546	14,546	14,546	14,546

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 1999—Continued

	Fiscal year—				
	1998 enacted	1999 request	1999 House	1999 Senate	1999 conference
Total, Navigation Services .....	90,596	83,305	92,705	86,705	94,465
Ocean Resources Conservation Assessment:					
Estuarine and Coastal Assessment .....	2,674	2,674	2,674	2,674	.....
Ocean Assessment Program .....	35,300	35,311	33,861	42,201	40,611
GLERL .....	.....	6,025	.....	6,825	.....
Beaufort/Oxford Lab .....	.....	.....	.....	2,236	.....
Damage Assessment .....	3,000	4,500	4,000	.....	.....
Transfer from Damage Assessment Fund .....	6,700	5,683	5,683	5,683	5,683
Oil Pollution Act of 1990 .....	1,000	1,000	1,000	.....	.....
Ocean Services .....	2,500	.....	.....	.....	.....
Response and Restoration .....	.....	.....	.....	9,174	8,774
Oceanic and Coastal Research .....	7,910	7,410	7,410	7,410	7,410
Subtotal—Estuarine & Coastal Assessment .....	59,084	62,603	54,628	76,203	62,478
Coastal Ocean Program .....	17,200	17,800	19,000	17,800	18,400
(South Florida Ecosystems) .....	1,300	1,300	1,300	1,300	1,300
Total, Ocean Resources Conservation & Assessment .....	76,284	80,403	73,628	94,003	80,878
Ocean and Coastal Management:					
Coastal Management:					
CZM Grants .....	49,700	49,700	52,700	49,700	52,700
CZM 309 Grants .....	.....	6,000	.....	6,000	.....
Estuarine Research Reserve System .....	5,650	4,300	5,300	10,500	4,300
Nonpoint Pollution Control .....	1,000	6,000	2,000	2,113	2,000
Program Administration .....	4,500	4,500	4,500	4,500	4,500
Subtotal, Coastal Management .....	60,850	70,500	64,500	72,813	63,500
Marine Sanctuary Program .....	14,000	13,200	15,000	14,250	14,350
Total, Ocean Resources Conservation & Assessment .....	74,850	83,700	79,500	87,063	77,850
Total, Nos .....	241,730	247,408	245,833	267,771	253,193
NATIONAL MARINE FISHERIES SERVICE					
Information Collection and Analysis:					
Resource Information .....	99,300	92,714	94,741	106,419	106,675
Antarctic Research .....	1,200	1,200	1,200	1,200	1,200
Chesapeake Bay Studies .....	1,890	1,500	1,890	1,890	1,890
Right Whale Research .....	400	200	250	200	350
MARFIN .....	3,500	3,000	3,000	3,000	3,000
SEAMAP .....	1,200	1,200	1,200	1,200	1,200
Alaskan Groundfish Surveys .....	950	661	661	961	900
Bering Sea Pollock Research .....	945	945	945	945	945
West Coast Groundfish .....	780	780	780	900	800
New England Stock Depletion .....	1,000	1,000	1,000	1,000	1,000
Hawaii Stock Management Plan .....	500	.....	.....	500	500
Yukon River Chinook Salmon .....	700	700	700	1,075	700
Atlantic Salmon Research .....	710	710	710	710	710
Gulf of Maine Groundfish Survey .....	567	567	567	567	567
Dolphin/Yellowfin Tuna Research .....	250	250	250	250	250
Habitat Research/Evaluation (Beaufort Lab) .....	450	.....	.....	.....	.....
Pacific Salmon Treaty Program .....	5,587	5,587	5,587	7,471	7,444
Hawaiian Monk Seals .....	550	500	550	1,000	700
Steller Sea Lion Recovery Plan .....	2,770	1,440	1,770	4,770	2,520
Hawaiian Sea Turtles .....	248	248	248	300	275
Bluefish/Striped Bass .....	800	.....	1,000	.....	1,000
Hallibut/Sablefish .....	1,200	1,200	1,200	1,200	1,200
Shrimp Pathogens .....	.....	.....	.....	500	.....
Lobster Sampling .....	.....	.....	.....	100	.....
Subtotal .....	125,497	114,402	118,249	136,158	133,826
Fishery Industry Information:					
Fish Statistics .....	13,000	14,500	13,000	14,500	13,000
Alaska Groundfish Monitoring .....	5,500	5,200	5,200	6,100	5,500
PACFIN/Catch Effort Data .....	4,700	3,000	4,700	4,700	4,700
Recreational Fishery Harvest Monitoring .....	3,900	3,100	3,900	3,900	3,900
GULF FIN Data Collection Effort .....	.....	.....	3,000	.....	3,000
Subtotal .....	27,100	25,800	29,800	29,200	30,100
Information Analyses and Dissemination .....	20,900	20,900	20,900	20,900	20,900
Computer Hardware and Software .....	4,000	4,000	4,000	4,000	4,000
Subtotal .....	24,900	24,900	24,900	24,900	24,900
Acquisition of Data .....	25,098	25,098	25,098	25,098	25,098
Total, Information, Collection, and Analyses .....	202,595	190,200	198,047	215,356	213,924
Conservation and Management Operations:					
Fisheries Management Programs .....	27,250	34,400	25,450	34,400	29,900
Columbia River Hatcheries .....	12,055	10,300	10,300	15,395	13,600
Columbia River Endangered Species .....	288	288	288	288	288
Salmon Marking .....	.....	.....	.....	1,800	.....
Regional Councils .....	11,900	12,800	12,800	13,200	13,000
International Fisheries Commissions .....	400	400	400	400	400
Management of George's Bank .....	478	478	478	478	478
Beluga Whale Committee .....	200	200	200	.....	.....
Pacific Tuna Management .....	2,300	1,250	1,250	2,900	2,300
Subtotal, Fisheries Mgmt Programs .....	54,871	60,116	51,166	68,861	59,966
Protected Species Management .....	6,200	6,200	6,200	6,950	6,200
Driftnet Act Implementation .....	3,278	3,278	3,278	3,428	3,378
Marine Mammal Protection Act .....	9,500	9,500	9,500	7,583	7,583
Endangered Species Act Recovery Plan .....	20,200	30,450	20,200	30,200	23,000
Dolphin Encirclement .....	.....	3,300	3,300	3,300	3,300
Native Marine Mammals .....	.....	.....	.....	800	750
Southeastern Sea Turtles .....	.....	.....	.....	400	.....
Observers/Training .....	.....	.....	.....	2,650	2,650
Fishery Observer Training Ctr .....	417	.....	417	.....	.....
East Coast Observers .....	350	350	350	.....	.....



## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 1999—Continued

	Fiscal year—				
	1998 enacted	1999 request	1999 House	1999 Senate	1999 conference
Subtotal .....	39,945	53,078	43,245	55,311	46,861
Habitat Conservation .....	8,500	10,700	8,400	10,700	9,000
Enforcement & Surveillance .....	17,600	18,500	17,600	18,500	17,775
Total, Conservation, Management & Operations .....	120,916	142,394	120,411	153,372	133,602
State and Industry Assistance Programs:					
Interjurisdictional Fisheries Grants .....	2,600	2,600	2,600	3,500	2,600
Anadromous Grants .....	2,100	2,100	2,100	3,000	2,100
Anadromous Fishery Project .....	258				
Interstate Fish Commissions .....	6,750	4,000	6,750	8,500	7,750
Subtotal .....	11,450	8,958	11,450	15,000	12,450
Fisheries Development Program:					
Product Quality and Safety/Seafood Inspection .....	10,524	9,824	9,824	9,974	9,824
Hawaiian Fisheries Development .....	750			750	750
Subtotal .....	11,274	9,824	9,824	10,724	10,574
Total, State and Industry Programs .....	22,724	18,782	21,274	25,724	23,024
Total, NMFS .....	346,235	351,376	339,732	394,452	370,550
OCEANIC AND ATMOSPHERIC RESEARCH					
Climate and Air Quality Research:					
Interannual & Seasonal .....	12,900	12,900	12,900	15,900	14,900
Climate & Global Change Research .....	60,000	62,000	60,000	67,000	63,000
GLOBE .....	5,000	6,000		5,000	2,500
Subtotal .....	77,900	80,900	72,900	87,900	80,400
Long-term Climate & Air Quality Research .....	29,402	30,387	29,757	30,387	30,000
High Performance Computing .....	7,500	12,500	9,000	12,500	12,000
Subtotal .....	36,902	42,887	38,757	42,887	42,000
Total, Climate and Air Quality Research .....	114,802	123,787	111,657	130,787	122,400
Atmospheric Programs:					
Weather Research .....	37,213	34,613	34,613	36,613	36,100
Wind Profiler .....	4,350	4,350	4,350	4,350	4,350
Subtotal .....	41,563	38,963	38,963	40,963	40,450
Solar/Geomagnetic Research .....	5,700	6,000	6,000	6,000	6,000
Total, Atmospheric Programs .....	47,263	44,963	44,963	46,963	46,450
Ocean and Great Lakes Programs:					
Marine Research Prediction .....	22,976	15,251	19,501	23,401	26,801
GLERL .....	6,000		6,825		6,825
Sea Grant Program .....	56,000	50,182	59,000	56,000	57,500
National Undersea Research Program .....	15,500	4,150		15,800	14,550
Total, Ocean and Great Lakes Programs .....	100,476	69,583	85,326	95,201	105,676
Acquisition of Data .....	15,000	12,884	12,884	12,884	12,884
Total OAR .....	277,541	251,217	254,830	285,835	287,410
NATIONAL WEATHER SERVICE					
Operations and Research:					
Local Warnings and Forecasts .....	324,000	354,851	352,650	359,250	357,034
MARDI .....	73,674	64,036	64,036	64,036	64,036
Advanced Hydrological Prediction System .....		4,200		4,000	
Radiosonde Replacement .....	910	4,340	2,000	910	2,000
Susquehanna River Basin flood system .....	1,120	619	1,250	1,000	1,250
Aviation forecasts .....	35,596	35,596	35,596	35,596	35,596
Subtotal .....	435,300	463,642	455,532	464,792	459,916
Central Forecast Guidance .....	29,543	35,574	31,000	35,574	35,574
Atmospheric and Hydrological Research .....	2,489	2,964	2,964	2,964	2,964
Total, Operations and Research .....	467,332	502,180	489,496	503,330	498,454
Systems Acquisition:					
Public Warnings and Forecast Systems:					
NEXRAD .....	39,591	38,346	38,346	38,346	38,346
ASOS .....	5,351	7,116	7,116	7,116	7,116
AWIPS/NOAA Port .....		12,189	12,189	12,189	12,189
Computer Facilities Upgrades .....	8,000	4,600	4,600	4,600	4,600
Total, Systems Acquisition .....	52,932	62,251	62,251	62,251	62,251
Total, NWS .....	520,264	564,431	551,747	565,581	560,705
NATIONAL ENVIRONMENT SATELLITE DATA INFORMATION SERVICE					
Satellite Observing Systems:					
Polar Convergence/IPO .....	34,000				
Geostationary Spacecraft and Launching .....					
Ocean Remote Sensing .....	4,000	4,000	1,500	4,000	4,000
Environmental Observing Systems .....	50,347	51,486	50,347	54,486	53,300
Total, Satellite Observing Systems .....	88,347	55,486	51,847	58,486	57,300
Environmental Data Management Systems .....	27,500	28,550	33,550	27,500	33,550
Data and Information Services .....	16,335	16,335	16,335	16,335	16,335
Regional Climate Centers .....	2,500		2,500	3,000	2,750
Total, EDMS .....	46,335	44,885	52,385	46,835	52,635
Total, NESDIS .....	134,682	100,371	104,232	105,321	109,935

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 1999—Continued

	Fiscal year—				
	1998 enacted	1999 request	1999 House	1999 Senate	1999 conference
PROGRAM SUPPORT					
Administration and Services:					
Executive Direction and Administration	19,200	19,200	19,200	19,200	19,200
Systems Acquisition Office	1,420			700	700
Subtotal	20,620	19,200	19,200	19,900	19,900
Central Administrative Support	31,850	31,850	31,850	31,850	31,850
Retired Pay Commissioned Officers	8,000	7,000	7,000	7,000	7,000
Total, Administration and Services	60,470	58,050	58,050	58,750	58,750
Aircraft Services	10,400	10,500	10,500	10,500	10,500
Rent Savings	(4,656)		(4,656)		
Total, Program Support	66,214	68,550	63,894	69,250	69,250
Fleet planning and maintenance	13,500	9,600	6,300	11,600	11,600
Facilities:					
NOAA Facilities Maintenance	1,800	1,800	1,800	1,800	1,800
NOAA-wide Space Planning		735		735	
Sandy Hook Lease	2,000	2,000	2,000	2,000	2,000
Environmental Compliance	2,000	2,000	2,000	2,000	2,000
WFO Maintenance	1,000	5,400	3,000	5,400	3,000
Columbia River Facilities	4,465	4,465	4,465	4,465	4,465
Total, Facilities	11,265	16,400	13,265	16,400	13,265
Direct Obligations	1,611,431	1,609,353	1,579,833	1,716,210	1,675,908
Reimbursable Obligations	317,015	195,767	195,767	195,767	195,767
Offsetting Collections (data sales)	2,400	3,600	3,600		3,600
New Offsetting Collections (fish fees/WFO CDO)					4,000
Anticipated Offsetting Collections (aerocharts)	3,000				
Subtotal Reimbursables	322,416	199,367	199,367	195,767	203,367
Total, Obligations	1,933,846	1,808,720	1,779,200	1,911,977	1,879,275
Financing:					
Deobligations	(24,000)	(28,527)	(31,327)	(28,527)	(33,000)
Unobligated Balance transferred, net	(1,500)	(969)	(969)	(969)	(969)
Federal Ship Financing Fund	(1,700)		(1,700)		
Coastal Zone Management Fund	(7,800)	(4,000)	(7,800)	(4,000)	(4,000)
Offsetting Collections (data sales)	(2,400)	(3,600)	(3,600)		(3,600)
Anticipated Offsetting Collections (aerocharts)	(3,000)				
New Offsetting Collections (fish fees)		(19,781)		(3,000)	(4,000)
New Offsetting Collections (navigation fees)		(2,500)			
Federal Funds	(172,000)	(134,927)	(134,927)	(134,927)	(134,927)
Non-federal Funds	(145,015)	(60,840)	(60,840)	(60,840)	(60,840)
Subtotal, Financing	(357,415)	(255,144)	(241,163)	(232,263)	(241,336)
Budget authority	1,576,431	1,553,576	1,538,037	1,679,714	1,637,939
Financing from:					
Promote and Develop American Fisheries	(62,381)	(62,381)	(63,381)	(63,073)	(63,381)
Damage Assess. & Restor. Revolving Fund	(5,000)	(4,714)	(4,714)	(4,714)	(4,714)
Appropriation, ORF	1,509,050	1,486,481	1,469,942	1,611,927	1,569,844

The following narrative provides additional information related to certain items included in the preceding table.

## NATIONAL OCEAN SERVICE

The conferees have provided a total of \$253,193,000 under this account for the activities of the National Ocean Service, instead of \$245,833,000 as recommended by the House, and \$267,771,000 recommended by the Senate.

**Mapping and Charting.**—The conference agreement provides \$48,260,000 for NOAA's mapping and charting programs, reflecting continued commitment to the navigation safety programs of NOS, and concerns for the ability of the NOS to continue to meet its mission requirements over the long term. Of this amount, \$32,100,000 is provided for the base mapping and charting program, an increase of \$2,000,000 above the request for data compilation activities. NOAA is expected to request sufficient funds within the NOS base program in fiscal year 2000 to fully support this activity. In addition, NOS is expected to increase its shoreline mapping activities in fiscal year 1999, and is requested to provide a report to the Committees on Appropriations by December 15, 1998 which indicates the amount of shoreline mapping conducted in fiscal year 1998 and planned activities for fiscal year 1999. Within the total funding provided under Mapping and Charting, the conference agreement includes \$2,160,000 to establish a joint hydrographic center and to

provide for stream quality monitoring in accordance with the Senate report.

Concerns remain that NOAA has not taken sufficient steps to plan for its long-term mission requirements. It is clear that the future of NOAA's hydrographic program lies in increased outsourcing to meet its nautical charting needs. While the need is understood for NOAA to ensure the quality, standards and specifications for nautical charts, NOAA must take vigorous steps to make this transition to outsourcing as an alternative method of meeting its needs. Therefore, the conference agreement also includes \$14,000,000 under the line item Address Survey Backlog/Contracts exclusively for contracting out with the private sector for data acquisition needs. Further, the conferees direct NOAA to follow the direction included in the House report requiring submission of a plan to the Committees for increased outsourcing by fiscal year 2000.

**Tide and Current Data.**—The conference agreement includes \$12,000,000 for this activity as detailed in the House report.

**Ocean Assessment Program.**—The conference agreement includes \$40,611,000 for this activity. Within the amounts provided for ocean assessment, the conference agreement includes the following: \$13,750,000 for NOAA's Coastal Services Center; \$5,800,000 to continue the Cooperative Institute for Coastal and Estuarine Environmental Technology;

\$900,000 for the South Florida Ecosystem Restoration program; \$1,000,000 to support coral reef studies in the Pacific and Southeast as described in the Senate report; \$2,925,000 for pfiesteria and other harmful algal bloom research and monitoring, of which \$500,000 is for research on the impact of pfiesteria at North Carolina State University; \$1,200,000 for one-time assistance for a citizen-based clean-water task force, including the State Coastal Resource program and local governments, to address issues related to the estuaries and waterways in Beaufort County, South Carolina; and \$2,436,000 for the NOAA Beaufort/Oxford Laboratory, reflecting the transfer of funding and management of this activity from the National Marine Fisheries Service and the Office of Oceanic and Atmospheric Research. In addition, the conference agreement also includes an additional \$5,200,000 under Ocean and Coastal Research and the Coastal Ocean Program for research on pfiesteria, hypoxia and other harmful algal blooms.

**Office of Response and Restoration.**—The conference agreement includes \$8,774,000 for a new line item under Ocean Resources Conservation and Assessment which represents the consolidation of the following line items previously provided for separately: \$2,674,000 for Estuarine and Coastal Assessment, \$5,100,000 for Damage Assessment and

\$1,000,000 in accordance with the Oil Pollution Act of 1990.

**Ocean and Coastal Research.**—The conference agreement includes \$7,410,000 for this activity, and includes funding at the fiscal year 1998 level for marine forensics and Southeast fisheries law enforcement, in accordance with the direction included in the Senate report.

The conference agreement does not include the proposed transfer of the Great Lakes Environmental Research Laboratory (GLERL) from the Office of Oceanic and Atmospheric Research to NOS. While consolidation of ocean and coastal research and assessment programs into a single line organization would ensure greater coordination and guard against duplication, NOAA's proposal did not meet this goal. The transfer of GLERL can be reconsidered in the context of a reorganization proposal to more fully consolidate all related programs into NOS, and NOAA is encouraged to consult with the Committees prior to the submission of a reorganization proposal.

**Coastal Ocean Program.**—The conference agreement provides \$18,400,000 for the Coastal Ocean Program, of which \$4,200,000 is provided for research related to hypoxia, pfiesteria, and other harmful algal blooms. The conference agreement adopts the recommendations included in the House report regarding hypoxia research in the Gulf of Mexico and Lake Ponchartrain, and expects a portion of the increase to be provided to support these activities. The managers of COP are directed to follow the direction included in the House report regarding the Brown Tide Research Initiative, as well as the direction included in the Senate report concerning research on small high-salinity estuaries. The conference agreement also assumes continued funding at the current level for restoration of the South Florida ecosystem. Further, concerns have been expressed regarding the COP's delay in funding of a Memorandum of Understanding (MOU) for the 1995 competitively approved land use-coastal ecosystem study. The COP is directed to fully fund, from within base resources, this prior multi-year commitment at the agreed upon levels beginning with \$1,200,000 for fiscal year 1999. Further, NOAA is directed to provide a report to the Committees, no later than February 1, 1999, on the projects and programs supported under COP in fiscal years 1997 and 1998.

**Coastal Zone Management.**—The conference agreement includes \$54,700,000 for grants under sections 306, 306A, 309, and 6217 of the Coastal Zone Management Act (CZMA), an increase of \$4,000,000 over fiscal year 1998. A separate appropriation for section 309 grants is not provided because such action would be inconsistent with current law. Under the CZMA, NOAA is authorized to set aside up to 20% of the funds appropriated under sections 306 and 306A for activities authorized under section 309. Therefore, increased funding has been provided under sections 306 and 306A to enable NOAA to make up to \$10,540,000 available for activities authorized under section 309. In addition, the conference agreement includes \$2,000,000 for the Non-Point Pollution program authorized under section 6217 of the CZMA. The conferees direct NOAA to provide a report on this program in accordance with the direction included in the House report. The conference agreement also includes \$4,300,000 for the National Estuarine Research Reserve program to support the existing program, as assumed in the House bill.

**Marine Sanctuary Program.**—The conference agreement includes \$14,350,000 for the National Marine Sanctuary Program. Of this amount, \$350,000 is provided to support the activities of the Northwest Straits Citizens Advisory Commission as outlined in the

House and Senate reports. In addition, a portion of the increase provided for the Marine Sanctuary Program may be used to support NOAA's on-going activities related to the U.S.S. Monitor in accordance with the House report.

**Other.**—Within the amounts provided for geodesy, the conference agreement includes \$500,000 for continuation of geodetic survey work as described in the Senate report.

#### NATIONAL MARINE FISHERIES SERVICE

The conference agreement includes a total of \$370,550,000 for the National Marine Fisheries Service, instead of \$339,732,000 recommended by the House and \$394,452,000 as recommended by the Senate. The conference agreement adopts the recommendations in the Senate report regarding the Community and Individual Fishery Quota programs.

**Resource Information.**—The conference agreement provides \$106,675,000 for fisheries resource information. Within the funds provided for resource information, \$91,750,000 is provided for the base programs, an increase of \$8,836,000 over fiscal year 1998, of which \$3,500,000 is for implementation of the Magnuson-Stevens Act in the North Pacific as directed in the Senate report, and of which \$750,000 is for west coast groundfish research to supplement the base budget of the Northwest Fisheries Science Center. Therefore, NMFS is expected to provide not less than a total of \$2,250,000 from Resource Information for this research at the Northwest Center. Such action is not intended to cause a shift in work currently performed by the Alaska and Southwest Fisheries Science Centers to the Northwest Center. In addition, within the total funds provided for resource information, the conference agreement adopts the recommendation included in the Senate report with respect to MARMAP. Under this line item, the conference agreement also includes funding for the following activities included in the Senate report: \$1,500,000 for the Gulf of Mexico Stock Enhancement Consortium, \$1,250,000 for research on Alaska near shore fisheries, \$200,000 for an assessment of Atlantic herring and mackerel, \$450,000 for Chesapeake Bay oyster research activities, \$275,000 for research on the Charleston bump, \$300,000 for research on shrimp pathogens, \$100,000 for lobster sampling, and \$300,000 for research on Southeastern sea turtles. In addition, within the amounts provided for Resource Information, \$8,000,000 is included to continue the aquatic resources environmental initiative, and \$1,250,000 is provided to continue the activities of the Gulf and South Atlantic Fisheries Development Foundation for data collection and analyses in the red snapper and shrimp fisheries in accordance with the House report. Further, \$450,000 is also included within this line item for a study of the hard clam population in accordance with the House report.

There continue to be concerns regarding the timely implementation of the Magnuson-Stevens Act and current staffing distribution among headquarters and field offices to support this effort. Therefore, NOAA is directed to comply with the direction included in the Senate report on this matter, and to expand its report to also include the Endangered Species Act and the Sustainable Fisheries Act. Concerns have also been raised regarding implementation of the Magnuson-Stevens Act, particularly with respect to National Standards 2 and 8. Therefore, the conference agreement adopts the recommendation and direction included in the Senate report requesting the General Accounting Office to report on NMFS compliance with these standards. In addition, as described in the Senate report, concerns continue to exist regarding national coordination of commercial and recreational data collection efforts.

NOAA is directed to submit a report to the Committees with its fiscal year 2000 budget request outlining the methodology used by NMFS to collect data on these fisheries and its efforts to integrate and improve data collection activities.

The conference agreement also provides funds for right whale research, including funds to continue gear modification research at the fiscal year 1998 level. The conferees expect NMFS to report to the Committees, no later than February 1, 1999, detailing gear modification research activities funded in fiscal year 1998 and its plans for fiscal year 1999. The conferees have also included funding for MARFIN and Alaskan groundfish surveys, including calibration studies, as described in the Senate report. Funding is also provided for bluefish and striped bass research in accordance with the House report.

**Steller Sea Lion Recovery Plans.**—The conference agreement includes \$2,520,000 for this activity, including \$750,000 for research as directed in the Senate report, with the remaining funds to be allocated at the fiscal year 1998 level for work by the State of Alaska, the North Pacific Universities Marine Mammal Consortium, and NMFS.

**Fishery Industry Information.**—Within the funds provided for Fishery Industry Information, the conference agreement provides \$3,900,000 for recreational fishery harvest monitoring to be expended in accordance with the direction included in the Senate report. Funds are also appropriated under this activity for the Pacific Fisheries Information Network/Alaska Fisheries Information Network in accordance with the direction included in the Senate report. In addition, \$3,000,000 is provided for a Gulf of Mexico Fisheries Information Network in accordance with the direction included in the House report. Funding is also provided to continue Alaska groundfish monitoring activities at the fiscal year 1998 level, including the final year of support for the Bering Sea Fisherman's Association Community Development Quota program.

**Fisheries Management Programs.**—The conference agreement includes \$29,900,000 for this activity, including \$350,000 to continue ongoing sea turtle recovery efforts at Rancho Nuevo and loggerhead nesting and research programs as described in the House report. Within these amounts, \$230,000 is also provided for the Pacific Coral Reef fisheries management plan, as described in the Senate report, and \$300,000 is for implementation of a program to prevent the importation of Atlantic swordfish which have not been harvested in a manner consistent with the recommendations under the International Convention for the Conservation of Atlantic Tuna. Such a program should restrict the importation of Atlantic swordfish that are below the United States minimum size. The conference agreement also reduces funding for the base program by \$400,000 to reflect the transfer of funding for the Alaska Eskimo Whaling Commission to the new Native Marine Mammals Commission line item.

The conference agreement appropriates a total of \$18,353,000 for NOAA support of Columbia River hatcheries programs, including \$13,600,000 under the NMFS. Within the amount provided under the line item Columbia River hatcheries, NMFS is expected to support hatchery operations at the fiscal year 1998 level of \$11,400,000, and to use the additional funding to support salmon marking activities as described in the Senate report.

**Protected Species Management.**—Within the funds provided for protected species management, \$500,000 is for continuation of a study on the impacts of California sea lions and harbor seals on salmonids and the West Coast ecosystem.

**Endangered Species Recovery Plans.**—A total of \$23,000,000 is provided for this activity. Of these amounts, \$1,000,000 is for technical support for Washington State salmon recovery efforts, and \$1,000,000 is for Northwest Indian Fisheries Commission activities, as described in the Senate report. In addition, \$850,000 is provided to support NMFS work on Steller sea lions in the North Pacific, and \$250,000 is to be made available for the State of Alaska for technical support to analyze proposed salmon recovery plans.

**Native Marine Mammal Commissions.**—The conference agreement adopts the recommendation of the Senate to consolidate support for these commissions, previously provided for elsewhere within NMFS, and recommends funding be distributed as follows: (1) \$400,000 for the Alaska Eskimo Whaling Commission; (2) \$100,000 for the Alaska Harbor Seal Commission; (3) \$200,000 for the Beluga Whale Committee; and (4) \$50,000 for the Bristol Bay Native Association.

**Observers and Training.**—The conference agreement adopts the recommendation included in the Senate report to consolidate fishery observer and observer training programs into a single line item, and distributes funding as follows: (1) \$425,000 for the North Pacific Fishery Observer Training Program; (2) \$1,875,000 for North Pacific marine resource observers, which was previously funded within the Marine Mammal Protection Act line item; and (3) \$350,000 for east coast observers.

**Interstate Fish Commissions.**—The conference agreement includes \$7,750,000 for this activity, of which \$750,000 is to be equally divided among the three commissions, and \$7,000,000 is for implementation of the Atlantic Coastal Fisheries Cooperative Management Act.

**Sea Turtle Protection and By-catch Reduction.**—The conference agreement adopts the recommendations and direction included in the House report regarding the development or implementation of any new or revised biological opinions regarding shrimp fishing and turtle interaction, as well as the guidance provided regarding by-catch reduction devices.

**Other.**—In addition, within the funds available for the Saltonstall-Kennedy grants program, the conferees direct that \$150,000 be provided to the Alaska Fisheries Development Foundation to be used in accordance with the direction included in the Senate report, and funds be provided pursuant to the direction included in both the House and Senate reports to support ongoing efforts related to *Vibrio vulnificus*. Further, NOAA is expected to comply with the direction included in the House report regarding the bluefin tuna fishery off the coast of Long Island.

#### OCEANIC AND ATMOSPHERIC RESEARCH

The conference agreement includes a total of \$287,410,000 for Oceanic and Atmospheric Research activities, instead of \$254,830,000 as recommended by the House and \$285,835,000 as recommended by the Senate.

**Interannual and Seasonal Climate Research.**—The conferees have provided \$14,900,000 for interannual and seasonal climate research. Within this amount, the conference agreement provides \$2,000,000 to support climate and air quality monitoring and climatological modeling activities as described in the Senate report. Further, within the amounts available to OAR, NOAA is expected to carry out its Memorandum of Understanding with the International Hurricane Center.

**Climate and Global Change Research.**—The conference agreement includes \$63,000,000 for the Climate and Global Change research pro-

gram, an increase of \$3,000,000 above the amounts provided in fiscal year 1998. Of this amount, \$15,000,000 is provided to support the International Research Institute and related regional application centers and activities. This increase is provided to enable the regional applications centers program to expand to the Midwest and other areas. OAR is encouraged to work with and utilize existing university resources, including the University of Northern Iowa, in its expansion of this program.

**Long-term Climate and Air Quality Research.**—The conference agreement provides \$30,000,000 for this activity, instead of \$29,757,000 as proposed by the House, and \$30,387,000 as proposed by the Senate.

**GLOBE.**—A total of \$2,500,000 is provided for this program, instead of \$5,000,000 as proposed by the Senate. The House bill did not include funding for this program. NOAA is expected to comply with the direction included in the Senate report regarding this program.

**Atmospheric Programs.**—The conference agreement provides \$36,100,000 for this activity. Of this amount \$1,500,000 is provided for research related to wind-profile data in accordance with the direction provided in the Senate report.

**Marine Prediction Research.**—The conference agreement includes \$26,801,000 for marine prediction research. Within this amount, the following is provided: \$1,650,000 for Arctic Research, as directed in the House report; \$2,400,000 for the Open Ocean Aquaculture program as directed in the Senate report, of which \$450,000 is for the Seacoast Science Center and \$25,000 is for the Teel Cove Sea Farm; \$2,300,000 for tsunami mitigation; \$2,100,000 for the VENTS program; \$4,000,000 to continue an initiative for the aquatic ecosystems, water quality, atmospheric research, and facilities construction at the Canaan Valley Institute; \$1,650,000 for implementation of the National Invasive Species Act, of which \$850,000 is for Ballast Water Demonstration as directed in the Senate report; \$750,000 for South Atlantic marine monitoring and prediction as directed in the Senate report; \$50,000 for the sediment control study recommended in the Senate bill; \$1,000,000 for the marine ecosystem initiative at the Thayer School of Engineering; \$500,000 for support for the Gulf of Maine Council; and \$150,000 for Lake Champlain studies. Due to recently enacted changes in the National Sea Grant Program Authorization Act, future activities related to Lake Champlain are expected to be funded through the regular Sea Grant program.

**GLERL.**—Within the \$6,825,000 provided for the Great Lakes Environmental Research Laboratory, the conference agreement assumes continued support for the Great Lakes nearshore research and zebra mussel research programs.

**Sea Grant.**—The conference agreement appropriates \$57,500,000 for the National Sea Grant program, and expects NOAA to continue to fund the existing oyster disease research and zebra mussel research programs within these amounts. Of the amounts provided, \$1,000,000 is for the Gulf of Mexico Oyster Disease Initiative. NOAA is also encouraged to use a portion of the increase provided to support and expand mariculture activities. Further, NOAA is encouraged to follow the guidance included in the House report regarding research related to the public health risks associated with ballast water discharges.

**National Undersea Research Program (NURP).**—The conference agreement provides \$14,550,000 for the NURP, of which \$1,750,000 is for continued support of the JASON program, and \$300,000 is to continue support for the *Aquarius* undersea laboratory. The re-

maining \$12,500,000 is provided for the existing nationwide undersea research centers, a \$1,000,000 reduction from the current level. This reduction is to be distributed proportionately among each of the centers, as well as program administration.

#### NATIONAL WEATHER SERVICE

The conference agreement includes a total of \$560,705,000 for the National Weather Service (NWS), instead of \$551,747,000 as proposed by the House, and \$565,581,000 as proposed by the Senate. Further, an additional \$3,000,000 is appropriated elsewhere in this account for NWS facilities maintenance, and \$97,948,000 is provided within the NOAA Procurement, Acquisition and Construction (PAC) account for NWS systems acquisition and construction activities.

**Local Warnings and Forecasts/Base Operations.**—The amount provided includes \$357,034,000 for this activity, an increase of \$33,034,000 above the fiscal year 1998 level. The following increases are included: \$9,053,000 is for pay-related inflationary costs; \$9,266,000 is for full year costs associated with maintaining a total NWS personnel base of 4,788 full-time equivalents; and \$7,681,000 is for non-labor increases. Within the total amount provided for Local Warnings and Forecasts, \$1,200,000 is for NOAA weather radio transmitters to be distributed in accordance with the direction included in the House and Senate reports. An additional \$400,000 is also provided to enable NWS to resolve weather radio coverage problems in South Dakota. The conference agreement also includes funding, as requested, for data buoys and coastal marine automated network stations.

In addition, a total of \$3,784,000 is included to implement the mitigation activities required by the Secretary's report to Congress regarding the adequacy of NEXRAD coverage in certain areas. Language is included in the bill directing the Secretary of Commerce to implement the recommendations contained in this report. NOAA is expected to follow the recommendations contained in the November 21, 1997 Secretary's team report as well as those of any subsequent reports or applicable agreements. The NWS is also expected to follow the direction included in the Senate report regarding continued radar obstruction at the NEXRAD facility located in Jackson, Mississippi.

In addition, the NWS is encouraged to continue the National Severe Storms Laboratory's support for OK-FIRST, as well as to continue the activities of NOAA's Cooperative Institute for Regional Prediction related to the 2002 Winter Olympic games.

#### NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE

The conference agreement includes \$109,935,000 for NOAA's satellite and data management programs. In addition, the conference agreement includes \$450,059,000 under the NOAA PAC account for satellite systems acquisition and related activities.

**Environment Data Management.**—The conferees have included \$52,635,000 for EDMS activities. Under EDMS, the conference agreement includes \$2,750,000 for the Regional Climate Centers, and adopts the recommendations included in the House report regarding funding to continue weather record rescue activities.

**Environmental Observing Systems.**—Within the amounts appropriated, \$2,500,000 is provided to continue the wind demonstration pilot project as described in the Senate report.

#### PROGRAM SUPPORT

The conference agreement provides \$69,250,000 for NOAA program support, the amount recommended in the Senate bill, instead of \$63,894,000 as recommended in the

House bill. Due to the concerns expressed in the House report regarding augmentation of headquarters and policy functions through assessments against NOAA programs, bill language is included, modified from the House bill, placing a limitation on funding and staffing available to Executive Direction and Administration functions in fiscal year 1999. An exception to the staffing limitation has been provided for the Office of the General Counsel to ensure that the necessary resources are available to support activities related to the National Marine Fisheries Service.

#### FLEET PLANNING AND MAINTENANCE

The conference agreement includes an appropriation of \$11,600,000 for this activity, as recommended in the Senate bill, instead of \$6,300,000 included in the House bill. This amount includes \$2,000,000 for the NOAA Pascagoula facility to purchase property with reverter options, extend the present dock, conduct dredging, repair the existing dock, and purchase equipment for the support of the NOAA vessel *Relentless*.

#### FACILITIES

The conference agreement includes \$13,265,000 for facilities maintenance, lease costs, and environmental compliance, as recommended in the House bill, instead of \$16,400,000 included in the Senate bill. NOAA is expected to follow the direction in the House report regarding budgeting for lease costs for NOAA facilities.

Within the amounts available for Facilities Maintenance, NOAA is expected to use up to \$150,000 to conduct a study of space requirements at the National Centers for Environmental Prediction facility in Norman, Oklahoma and options to meet those needs through a long-term lease, or other, alternative financing arrangements.

#### OTHER

In addition to amounts not otherwise provided for in the above tables and narrative, the conference agreement includes an additional \$5,000,000 for activities related to the Clean Water Initiative under the National Ocean Service and an additional \$5,000,000 for Endangered Species Act programs under the National Marine Fisheries Service.

#### PROCUREMENT, ACQUISITION AND CONSTRUCTION

##### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes a total of \$584,677,000 in direct appropriations for the Procurement, Acquisition and Construction account, and assumes \$4,000,000 in deobligations from this account. The following distribution reflects the fiscal year 1999 funding provided for activities within this account:

#### Systems Acquisition:

AWIPS .....	\$67,667,000
ASOS .....	3,855,000
NEXRAD .....	7,000,000
Computer Facilities Upgrades .....	9,900,000
Polar Spacecraft and Launching .....	199,917,000
Geostationary Spacecraft and Launching .....	265,142,000
Subtotal, Systems Acquisition .....	553,481,000
Construction:	
Boulder Lab Above Standard Costs .....	6,370,000
WFO Construction .....	9,526,000
Santa Cruz Fisheries Lab .....	4,200,000
NEERS Construction .....	7,300,000
Fort Johnson Lab .....	3,000,000
Outer Banks Community Foundation .....	750,000
Long Island Bay Shore Aquarium .....	1,000,000

Botanical Gardens .....	500,000
NCEP .....	850,000
Pribilof Island Cleanup ..	700,000

Subtotal, Construction 34,196,000

**Systems Acquisition.**—The conference agreement provides the full amount requested for AWIPS acquisition, and continues language as proposed in the House bill requiring the Secretary of Commerce to meet certain certification requirements prior to the obligation of these funds.

**Construction.**—The conference agreement includes \$6,370,000 for above standard costs for the Boulder Laboratory, in accordance with the direction included in the House report.

The funds appropriated for National Estuarine Research Reserve construction are to be distributed as follows: \$1,300,000 is for the Kasitsna Bay Lab and Kachenak Bay NERR; and \$6,000,000 is for the Great Bay NERR, as recommended in the Senate report. In addition, \$750,000 is provided for the Outer Banks Community Foundation subject to the conditions in the Senate report.

**Other.**—Further, within the total amounts provided in this account, \$1,000,000 is expected to be provided for fishermen's health care. The Secretary of Commerce is to allocate the funds under the plan in New Hampshire, Rhode Island, Maine and Massachusetts according to the following criteria: (1) the number of fishermen who are eligible to receive health care benefits under the plan; and (2) the relative demand for benefits under the plan in each State among fishermen who are eligible to receive benefits under the plan. NOAA should not expect funds to be appropriated under this Act in the future for this purpose.

#### COASTAL ZONE MANAGEMENT FUND

The conference agreement includes an appropriation of \$4,000,000, as provided in the Senate bill, instead of \$7,800,000 recommended in the House bill. These amounts are reflected under the National Ocean Service within the Operations, Research, and Facilities account.

#### FISHERMEN'S CONTINGENCY FUND

The conference agreement includes \$953,000 for the Fishermen's Contingency Fund, as provided in the House, instead of \$952,000 included in the Senate bill.

#### FOREIGN FISHING OBSERVER FUND

The conference agreement includes \$189,000 for the expenses related to the Foreign Fishing Observer Fund, as provided in both the House and Senate bills.

#### FISHERIES FINANCE PROGRAM ACCOUNT

The conference agreement provides \$338,000 in subsidy amounts for the Fisheries Finance Program Account, instead of \$388,000 recommended in the Senate bill, and \$238,000 recommended in the House bill. The agreement includes \$100,000 above the House level to continue entry level and small vessel Individual Fishery Quota obligation guarantees in the halibut and sablefish fisheries as recommended in the Senate report.

#### GENERAL ADMINISTRATION SALARIES AND EXPENSES

The conference agreement includes \$30,000,000 for the general administration of the Commerce Department, instead of \$31,059,000 as proposed in the Senate bill and \$28,900,000 as proposed in the House bill. The conference recommendation assumes a \$720,000 transfer of funding and personnel from the NOAA Systems Acquisition Office (SAO) to the Department, instead of \$1,420,000 recommended in the House bill and requested in the budget.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$21,000,000 for the Commerce Department In-

spector General, instead of \$21,400,000 as recommended in the House bill and \$19,959,000 as recommended in Senate bill. An increase is provided to enable the Office of Inspector General to continue its efforts related to the 2000 decennial census.

#### PATENT AND TRADEMARK OFFICE SALARIES AND EXPENSES (RESCISSION)

The conference agreement includes a \$71,000,000 rescission from fee collections and prior year appropriations, instead of a \$41,000,000 rescission recommended in the House bill, and a \$116,342,000 rescission requested in the budget. The Senate bill did not recommend a rescission in this account.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROCUREMENT, ACQUISITION, AND CONSTRUCTION (RESCISSION)

The conference agreement does not include a rescission of \$5,000,000 from prior year unobligated balances in NOAA satellite programs, as proposed by the House. The Senate bill did not contain this rescission.

#### GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

The conference agreement includes the following general provisions for the Department of Commerce:

**Section 201.**—The conference agreement includes section 201, included in both the House and Senate versions of the bill, regarding certifications of advanced payments.

**Sec. 202.**—The conference agreement includes section 202, identical in both the House and Senate versions of the bill, allowing funds to be used for hire of passenger motor vehicles.

**Sec. 203.**—The conference agreement includes section 203, identical in both the House and Senate versions of the bill, prohibiting reimbursement to the Air Force for hurricane reconnaissance planes.

**Sec. 204.**—The conference agreement includes section 204, identical in both the House and Senate versions of the bill, prohibiting funds from being used to reimburse the Unemployment Trust Fund for temporary census workers.

**Sec. 205.**—The conference agreement includes section 205, identical in both the House and Senate versions of the bill, regarding transfer authority between Commerce Department appropriation accounts.

**Sec. 206.**—The conference agreement includes section 206, providing for the notification of the House and Senate Committees on Appropriations of a plan for transferring funds to appropriate successor organizations within 90 days of enactment of any legislation dismantling or reorganizing the Department of Commerce, as proposed in both House and Senate bills.

**Sec. 207.**—The conference agreement includes section 207, included in both the House and Senate bills, requiring that any costs related to personnel actions incurred by a Department or agency funded in title II of this Act, be absorbed within the total budgetary resources available to such Department or agency.

**Sec. 208.**—The conference agreement includes section 208, as proposed in the House, allowing the Secretary to award contracts for certain mapping and charting activities in accordance with the Federal Property and Administrative Services Act. The Senate bill did not address this matter.

**Sec. 209.**—The conference agreement includes language, as proposed in the House bill, allowing the Department of Commerce Franchise Fund to retain a portion of its earnings from services provided. The Senate contained no similar provision.

Sec. 210.—The conference agreement includes a provision, as proposed in the Senate bill, to place a one-year moratorium on the processing or registration of a trademark application for a mark identical to the official tribal insignia of any Federally recognized Indian tribe. The House bill did not address this matter.

Sec. 211.—The conference agreement includes new language, not in either the House or Senate bills, to prohibit enforcement and transactions related to the registration and renewal of trademarks that are substantially similar to those used in connection with assets which have been confiscated.

Sec. 212.—The conference agreement includes new language, not in either the House or Senate bills, to provide for the conveyance, at fair market value, of a parcel of land in Two Harbors, Minnesota.

Sec. 213.—The conference agreement includes new language, not in either the House or Senate bills, to authorize NOAA to enter into a land transfer arrangement to allow for the construction of the NMFS laboratory facility at Lena Point, Alaska.

Sec. 214.—The conference agreement includes new language, not in either the House or Senate bills, to authorize NOAA to enter into an agreement with the State of Alaska to construct a State-owned facility on Federal land, as well as provide for the development of joint facilities with NOAA.

### TITLE III—THE JUDICIARY

#### SUPREME COURT OF THE UNITED STATES SALARIES AND EXPENSES

The conference agreement includes \$31,059,000 for the salaries and expenses of the Supreme Court, the same as the amount provided in the Senate bill, and \$36,000 below the amount provided in the House bill.

#### CARE OF THE BUILDING AND GROUNDS

The conference agreement includes \$5,400,000 for the Supreme Court Care of the Building and Grounds account, as provided in the House bill, instead of \$5,871,000 as provided in the Senate bill and as requested in the budget. This amount is \$2,000,000 above the amount provided in fiscal year 1998. The reduction from the request is taken as a general reduction.

The conference agreement allows \$2,364,000 of this appropriation to remain available until expended, as provided in the House bill, instead of the entire amount, as provided in the Senate bill.

#### UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

##### SALARIES AND EXPENSES

The conference agreement includes \$16,101,000 for the U.S. Court of Appeals for the Federal Circuit, instead of \$16,143,000 as provided in the House bill and \$15,631,000 as provided in the Senate bill.

#### UNITED STATES COURT OF INTERNATIONAL TRADE

##### SALARIES AND EXPENSES

The conference agreement includes \$11,804,000 for the U.S. Court of International Trade, instead of \$11,822,000 as provided in the House bill and \$11,483,000 as provided in the Senate bill.

#### COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

##### SALARIES AND EXPENSES

The conference agreement provides \$2,821,821,000 for the salaries and expenses of the federal judiciary, instead of \$2,828,329,000 as provided in the House bill and \$2,808,516,000 as provided in the Senate bill.

In addition, within the amount provided under the Violent Crime Reduction Trust Fund, addressed below, an additional \$10,164,000 is available for this account, providing a total availability of appropriations of \$2,831,985,000.

In addition to these appropriated resources, there is likely to be available at least \$155,578,000 in fee carryover from prior years, \$142,880,000 in current year fees, and \$78,276,000 in other resources, for a total availability of resources of \$3,208,719,000.

Also, the judiciary has pending Year 2000 computer compliance requirements of \$13,044,000, of which \$10,214,000 is for needs in this account, and the balance is in the Court Security account, for which funding is expected to be made available from pending legislation to provide additional resources for fixing Year 2000 problems.

With respect to program increases requested in the budget, the conferees believe that probation/pre-trial services are a high priority, and that sufficient resources need to be provided to allow these services to keep up with the rapidly rising number of offenders under post-release supervision. In addition, the conferees expect that security surcharge payments will be made only for validated additional services.

The language in the House report relating to electronic courtrooms is adopted by reference.

The conference agreement also appropriates \$2,515,000 from the Vaccine Injury Compensation Trust Fund for expenses associated with the National Childhood Vaccine Injury Act of 1986, as provided in both the House and Senate bills.

The conference agreement does not include a general provision added by the Senate that would require the Judicial Conference to study whether Criminal Rule 6 should be amended to allow a witness appearing before a grand jury to have counsel present. The conferees understand that the Judicial Conference of the United States will address this specific issue at the October 1998 meeting of its Advisory Committee on Criminal rules. The conferees further understand that the Advisory Committee has received the views of the American Bar Association, the National Association of Criminal Defense Lawyers, and the Department of Justice on this issue, and will proceed in accordance with established procedure consistent with the Rules Enabling Act. The conferees direct the Judicial Conference to report their findings to the Committees on Appropriations not later than April 15, 1999.

#### VIOLENT CRIME REDUCTION PROGRAMS

The conference agreement includes an appropriation of \$41,043,000 from the Violent Crime Reduction Trust Fund, instead of \$60,000,000 as provided in the House bill, and no funds as provided in the Senate bill. These funds are intended to be used to offset workload requirements of the federal judiciary related to the Violent Crime Control and Law Enforcement Act of 1994 and the Anti-Terrorism and Effective Death Penalty Act of 1996. It is intended that \$10,164,000 be utilized for workload requirements under Salaries and Expenses, and \$30,879,000 be utilized for workload requirements under Defender Services.

#### DEFENDER SERVICES

The conference agreement includes \$360,952,000 for the federal judiciary's Defender Services account, as requested in the budget and as provided in both the House and Senate bills. In addition, \$30,879,000 is expected to be provided from funds made available under the Violent Crime Reduction Trust Fund, as requested in the budget and provided in the House bill, instead of no funds, as provided in the Senate bill. In addition, there is expected to be carryover of \$3,882,000. As a result, total availability of resources for Defender Services is expected to be \$395,713,000.

The judiciary is currently projecting a shortfall of approximately \$14,000,000 in this account for fiscal year 1999, even though Congress has provided the full amount of requested resources. The judiciary should take every step available to assure that the budget for this account stays within appropriated resources. Because the cost of the existing program has been rising rapidly, and because of the possibility that funding requirements in fiscal year 1999 will exceed the budget request by a significant amount, the conferees have not provided for increases in the rate for panel attorneys or other program increases.

The reports that the judiciary is expected to provide are the three reports requested in the House report, as well as the report described in the following paragraph.

The conference agreement does not include a provision included in the Senate bill that would limit monthly payments to court-appointed counsel in federal capital cases to the salary received by the United States Attorney in that district. However, the conferees remain concerned about the cost of federal capital cases. The conferees direct the Administrative Office of the United States Courts to review defense costs in federal capital cases and report on the findings to the House and Senate Judiciary and Appropriations Committees by September 30, 1999.

The conferees further direct the Administrative Office of the United States Courts to pay particular attention to the following items in the compilation of this report: 1) the number of counsel who have been appointed to represent indigent defendants in federal capital cases in the previous four fiscal years; 2) the number of instances in the previous four fiscal years in which individual appointed counsel in federal capital cases have submitted invoices for legal representation for a calendar month that exceed the amount of salary (excluding health and other employee benefits) that the law of the United States authorized to be paid to the United States Attorney in that calendar month in the district in which the case was prosecuted; 3) the number of instances in the previous four fiscal years in which federal courts have granted waivers under 18 U.S.C. 3006A(d)(3), where the representations were deemed to be extended or complex, concerning the maximum amounts of attorney compensation; and 4) the number of instances in the previous four fiscal years in which federal courts have suspended trials or other proceedings due to inadequate compensation for appointed counsel.

#### FEES OF JURORS AND COMMISSIONERS

The conference agreement includes \$66,861,000 for Fees of Jurors and Commissioners, instead of \$67,000,000 as proposed in the House bill and \$68,721,000 as proposed in the Senate bill. The amount provided reflects the latest estimate from the judiciary of the requirements for this account.

#### COURT SECURITY

The conference agreement includes \$174,569,000 for the federal judiciary's Court Security account, which is \$469,000 over the amount in the House bill and \$2,304,000 below the amount in the Senate bill. In addition, this account is assumed to have additional resources of \$1,151,000 in carryover and \$2,800,000 for Year 2000 computer compliance costs from other sources of funding.

The highest priority with respect to program increases is to provide the additional court security officers needed to meet the current applicable standards. This includes one additional court security officer for the U.S. Court of Appeals for the Federal Circuit. The Committees expect to be informed as to how this will be accomplished in reference to the court-by-court tracking system

that has been developed at the insistence of the Committees. In addition, it is expected that the report requested in the House report will be provided.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS  
SALARIES AND EXPENSES

The conference agreement includes \$54,500,000 for the Administrative Office of the United States Courts, as proposed by the House, instead of \$54,682,000 as proposed by the Senate. This level of funding is intended to allow the Administrative Office to operate at current services, but does not provide additional personnel over the fiscal year 1998 level. However, the judiciary can obtain an additional 6 workyears through reimbursable positions, as requested in the budget. In addition to the amount provided, there is expected to be \$39,986,000 available from other sources, including fees, carryover, and reimbursements.

FEDERAL JUDICIAL CENTER  
SALARIES AND EXPENSES

The conference agreement includes \$17,716,000 for the fiscal year 1999 salaries and expenses of the Federal Judicial Center, as proposed in the Senate bill, instead of \$18,000,000 as provided in the House bill.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO THE JUDICIARY TRUST FUNDS

The conference agreement includes \$37,300,000 for payment to the various judicial retirement funds as provided in both the House and Senate bills.

UNITED STATES SENTENCING COMMISSION  
SALARIES AND EXPENSES

The conference agreement includes \$9,487,000 for the U.S. Sentencing Commission, instead of \$9,600,000 as provided in the House bill, and \$9,374,000 as provided in the Senate bill. There is substantial uncertainty as to the requirements for the Commission in fiscal year 1999 as well as to concerns about whether the Commission will be able to reach decisions given the number of Commissioner vacancies.

GENERAL PROVISIONS—THE JUDICIARY

Section 301.—The conference agreement includes section 301 as provided in both the House and Senate bills, with minor technical differences, allowing appropriations to be used for services as authorized by 5 U.S.C. 3109.

Sec. 302.—The conference agreement includes section 302, as included in the House bill, providing the Judiciary with the authority to transfer funds between appropriations accounts but limiting, with certain exceptions, any increase in an account to 10 percent, instead of the Senate provision which would have limited the increase to 20 percent.

Sec. 303.—The conference agreement includes section 303, included in both the House and Senate bills, with minor technical differences, allowing up to \$10,000 of salaries and expenses funds provided in this title to be used for official reception and representation expenses of the Judicial Conference of the United States.

The conference agreement does not include a provision included in the Senate bill, which would have allowed a cost-of-living increase in judges' salaries.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATIVE OF FOREIGN AFFAIRS  
DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes a total of \$1,644,300 for Diplomatic and Consular Programs, instead of \$1,657,890,000 as included in

the House bill \$1,685,794,000 as included in the Senate bill. This amount includes a direct appropriation of \$1,644,300,000 instead of \$1,631,490,000 as provided in the House bill and \$1,685,094,000 as provided in the Senate bill. In Title II of the Emergency Supplemental included in This bill, and \$25,700,000, to remain available until expended, is provided for increased security overseas to continue the antiterrorism initiatives included in the fiscal year 1997 appropriations Act, instead of under this account, as provided in the House bill.

The conference agreement does not include any provision for expenditure of registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, even though \$700,000 for the purpose was included in both House and Senate bills. The reason for this deletion is that the National Defense Authorization for Act for fiscal year 1999 contained a provision making those fees a permanent, indefinite appropriations, which means those fees will be available without separate appropriation action. Notes is taken of the statutory change in export licensing responsibility for commercial satellites from the Commerce Department administered Commerce Control List to the State Department administered U.S. Munitions List. The conference agreement provides \$2,000,000 over fiscal year 1998 levels for the Office of Defense Trade Controls. That office is directed to apply increased resources to hiring additional senior personnel; (GS-13 through GS-15) and support staff to improve scrutiny of export license applications, enhance end-use monitoring, and strengthen compliance enforcement measures to ensure that U.S. technology is properly safeguarded when exported.

The conference report also includes a provision to collect and deposit as an offsetting collection to this account Machine Readable Visa fees in fiscal years 1999 and 2000 to recover authorized costs. The Senate bill included a similar provision but would have made it permanent. The House bill did not include a provision on this matter.

The conference report includes language making available \$500,000 for the National Law Center for Inter-American Free Trade, as provided in the Senate bill. The House bill did not include a similar provision.

The conference agreement does not include a provision transferring \$13,000,000 to the East-West Center, which was proposed in the Senate bill. The House bill did not include a similar provision.

The conference report contains a provision allowing not to exceed 20 percent of the amounts available under this account and the Salaries and Expenses accounts to be transferred between the two accounts, as provided in the House bill. The Senate bill did not contain a provision on this matter, but instead proposed changing the overall transfer authority for this Title under section 402.

The amount provided in the conference agreement is slightly above the current services requirement for the Department. Within this amount, and within any savings the Department identifies, the Department will have the ability to propose that these funds be used for needs not funded by the recommendation, including high priority program increases such as China 2000, through the normal reprogramming process. With respect to China 2000, it is expected that language training will be provided prior to personnel being sent to China.

The language in the House report under this heading is to be followed in expending fiscal year 1999 funds. In addition, this statement of managers adopts by reference the provisions in the Senate report addressing the Arctic Council, the Bering Straits Com-

mission, and the Multi-lateral High Level Conference.

The Senate provision prohibiting the expenditure of funds on non-reimbursable details, details to non-government organizations, or details as faculty advisers until the Secretary certifies that embassy manning is at 100 percent of the requirements set by the overseas staffing model has not been adopted. Instead, the Department is directed to provide the Committees on Appropriations with a report justifying the aforementioned details not later than December 31, 1998. To the degree that non-reimbursable details can be eliminated or converted to reimbursable details, the resultant savings can be used to hire additional Foreign Service Officers.

SALARIES AND EXPENSES

The conference agreement includes a total of \$355,000,000 for Salaries and Expenses, instead of \$365,235,000 as proposed in the House bill and \$349,474,000 as proposed in the Senate bill.

The conference agreement moves the cost of the renovation of the Main State Building from this account to the Security and Maintenance of U.S. Missions, as proposed in the Senate bill. Taking this into account, the amount provided for this account allows \$7,813,000 of requested adjustments to base. To the extent that savings are identified by the Department, they can be used to restore the remaining adjustments to base. The only program increase requested for this account was for the cost of the renovation of the Main State Building, which has been addressed in another account.

The conference agreement includes a provision transferring \$813,333 to the Presidential Advisory Commission on Holocaust Assets in the United States, as proposed in the House bill. The Senate bill did not include a similar provision.

CAPITAL INVESTMENT FUND

The conference agreement includes \$80,000,000 for the Capital Investment Fund, the amount included in the House bill, instead of \$118,340,000 as proposed in the Senate bill. This represents the amount of the request not associated with year 2000 computer conversion costs. Year 2000 conversion costs of \$38,340,000 included in the request and additional costs identified since the time of the budget request are anticipated to be addressed through funds that may be provided separately for U.S. Government-wide year 2000 compliance.

The provisions in the House report are adopted by reference.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$27,495,000 for the Office of Inspector General, which has jurisdiction over the Department of State, the United States Information Agency, and the Arms Control and Disarmament Agency, as proposed in the Senate bill, instead of \$28,000,000 as proposed in the House bill.

It is recommended that the Inspector General exercise appropriate oversight over the International Commissions funded under this title.

REPRESENTATION ALLOWANCES

The conference agreement includes \$4,350,000 for Representation Allowances, instead of \$4,200,000 as proposed in the House bill and \$6,500,000 as proposed in the Senate bill. The Senate bill recommended the consolidation of representation funds, including those provided under the Emergencies in the Diplomatic and Consular Service, and included new bill language citations to implement that recommendation. The conference agreement retains the current structure.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement includes \$8,100,000 for Protection of Foreign Missions



and Officials, as provided in the House bill, instead of \$7,900,000 as provided in the Senate bill.

#### SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

The conference agreement includes \$403,561,000 for this account, instead of \$396,000,000 as proposed by the House, and \$550,832,000 as proposed by the Senate. This amount includes \$7,561,000 for the renovation of the Main State Building, as proposed in the Senate bill, instead of funding under the Salaries and Expenses account as recommended in the House bill. In addition, the budget request indicated a planned expenditure of \$126,128,000 from proceeds of sale of surplus property for opportunity purchases and capital projects.

The Department is directed to submit, and receive approval for, a financial plan for the funding provided here under this account, whether from direct appropriations or proceeds of sales, prior to the obligation or expenditure of funds for capital and rehabilitation projects. The plan shall include project-level detail, and shall be provided to the Appropriations Committees not later than 30 days after the date of enactment of this Act. Any deviation from the plan after approval shall be treated as a reprogramming in the case of an addition greater than \$500,000 or as a notification in the case of a deletion, a project cost overrun exceeding 25 percent, or a project schedule delay exceeding 6 months. Notification requirements also extend to the rebaselining of a given project's cost estimate, schedule, or scope of work.

As in the past, immediate notification is expected if there are facilities that the Department believes pose serious security risks.

#### EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes \$5,500,000 for Emergencies in the Diplomatic and Consular Service account, as provided in the House bill, instead of \$3,500,000, as provided in the Senate bill.

#### REPATRIATION LOANS PROGRAM ACCOUNT

The conference agreement includes a total appropriation of \$1,200,000 for the Repatriation Loans Program account, as provided in the House bill, instead of \$1,000,000 as provided in the Senate bill.

#### PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement includes \$14,750,000 for the Payment to the American Institute in Taiwan account, instead of \$15,000,000 as proposed in the House bill, and \$14,490,000 as proposed in the Senate bill.

#### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement includes \$132,500,000 for the Payment to the Foreign Service Retirement and Disability Fund account, as provided in both the House and Senate bills.

#### INTERNATIONAL ORGANIZATIONS AND CONFERENCES

##### CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes \$922,000,000 for Contributions to International Organizations to pay the costs assessed to the United States for membership in international organizations, instead of \$914,000,000 as proposed in the House bill, and \$1,131,718,000 as proposed in the Senate bill, of which \$877,718,000 was for current year assessments, and \$254,000,000 was for payment of arrearages to the United Nations. The conference agreement includes all arrearage payments under a separate account.

The conference agreement includes language providing that none of the funds can be used for the U.S. share of interest costs for loans incurred after October 1, 1984 through external borrowings, as provided in the House bill. The Senate bill did not contain a similar provision.

The conference agreement contains a provision that \$100,000,000 may be made available to the United Nations only on a semi-annual basis pursuant to a certification that the U.N. has taken no action to cause the U.N. to exceed the expected 1998-1999 budget of \$2,533,000,000, as provided in the House bill. The Senate bill contains no similar provision.

The conference agreement includes a provision that not to exceed \$15,000,000 shall be transferred from this account to the International Conferences and Contingencies (ICC) account for United States contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission for specified purposes, as provided in the House bill. The Senate bill did not contain a provision on this matter. The first \$385,000 of such transfer is to be spent on upgrading, operating, and maintaining international monitoring sites described in the Senate report under the Arms Control and Disarmament Agency. The State Department is expected to consult with the Committees on Appropriations prior to such a transfer.

The conference agreement also includes a provision permitting not to exceed \$1,223,000 to be transferred to the ICC account for assessed contributions to new or provisional organizations or for travel expenses of official delegates to international conferences, subject to reprogramming requirements, as provided in the Senate bill. The House bill did not contain a provision on this matter.

The conference agreement includes \$2,000,000 to establish an international center for response to chemical, biological and nuclear weapons, instead of \$2,400,000 as proposed in the Senate bill. The House bill did not contain a provision on this matter.

The conference agreement does not contain a number of provisions in the Senate bill relating to payment of arrearages. Arrearages are addressed in a separate account.

The \$922,000,000 provided by the conference agreement is expected to be sufficient to fully pay assessments to international organizations. In fiscal year 1998, the total required from fiscal year 1998 appropriations to fully pay assessments was \$869,103,000. With excess fiscal year 1998 funds, the Department has prepaid \$19,953,000 of the fiscal year 1999 assessment to the United Nations.

Within the request, there are a number of assessments that are not required, including the International Seabed Authority and the International Tribunal of the Law of the Sea. In addition, no funding is provided for the Inter-American Indian Institute, the Interparliamentary Union, and the Bureau of International Expositions. In addition, the Department is apparently contemplating for the first time not withholding funds that it believes constitute an overpayment to the tax equalization fund at the U.N., which, if current policies were continued, would save approximately \$7,000,000.

To the extent that, due to unanticipated exchange rate changes, the amount is not sufficient to fully pay assessments, the conferees intend that funds be provided to the highest priority organizations as indicated in the House report.

The Statement of Managers does not adopt a Senate provision tying release of payments to international organizations to certification that the overhead costs of a given international organization account for no more than 15 percent of the total budget of that organization. Instead, the Department

is directed to update its report on international organization overhead rates. The report should include a clear, consistent definition of overhead costs, and should be delivered to the Committees on Appropriations no later than March 13, 1999. To the degree that resources in this account fall short of needs, the Department should withhold payments from organizations with the highest overhead rates. The Department is expected to consult with the Committees on Appropriations should reductions become necessary.

The conference agreement intends that the funding provided under this account be for assessments for all international organizations. The Senate bill proposed to transfer funding for 7 commodity-based organizations to the Commerce Department and 3 justice-related organizations to the Justice Department.

The conference report includes a new provision, not included in either the House or Senate bill, which would ensure that the Department has the authority to pay for the full U.S. assessment to the civil budget of the North Atlantic Treaty Organization.

Provisions in the House report relating to a report on budget reductions and reforms in international organizations, Israel's acceptance into the Western Europe and Other Group regional bloc, the Pan American Health Organization, and no funding for worldwide conferences are adopted by reference.

#### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement provides \$231,000,000 for Contributions for International Peacekeeping Activities, instead of \$220,000,000, as proposed in the House bill, and \$431,093,000 as proposed in the Senate bill, of which \$210,093,000 was for payment of current year peacekeeping assessments and \$221,000,000 was for payment of peacekeeping arrearages. The conference agreement addresses arrearages under a separate account.

The conference agreement includes a provision that prohibits obligation or expenditure of funds for new or expanded U.N. peacekeeping missions unless, at least 15 days prior to the Security Council vote, the appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and a reprogramming of funds is submitted setting forth the source of funds that will be used to pay for the cost of the new or expanded mission, as included in the House bill. The Senate bill did not contain a provision on this matter.

The conference agreement contains a provision requiring a certification that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for U.N. peacekeeping activities equal to those being given to foreign manufacturers and suppliers, as provided in the House bill. The Senate bill did not contain a provision on this matter.

In addition, the conference agreement includes a provision prohibiting funds from being used to pay the United States share of the cost of judicial monitoring that is part of any United Nations peacekeeping mission. Thus, if any current or future peacekeeping operation includes judicial monitoring as one of its functions, the U.S. will have to withhold its proportionate share of the cost of any court monitoring that is included in such a mission. This provision was not included in either the House or the Senate bill. The conference agreement does not include several provisions relating to arrearages that were included in the Senate bill, as arrearages are addressed under a separate account.

This statement of managers adopts by reference language in the House report making it clear that the Department is expected to live within the appropriation; requiring reprogramming requirements for certain missions that may continue, but for which information has either not been provided or is under consideration; requiring a report on waste, fraud and abuse in peacekeeping operations, and to take all actions necessary to prevent conversion of loaned employees into permanent positions at the United Nations. This statement of managers adopts by reference language in the Senate report urging the Department to pursue cost-sharing arrangements on peacekeeping missions and directing the State Department to block any effort to convert Rapidly Deployable Mission Headquarters funding from voluntary to assessed contributions.

#### ARREARAGE PAYMENTS

The conference agreement includes \$475,000,000 for arrearage payments, as proposed in the House bill under this account, instead of \$254,000,000 and \$221,000,000 as proposed in the Senate bill under Contributions to International Organizations and Contributions for International Peacekeeping, respectively. The conference agreement makes the expenditure of these funds contingent upon enactment of an authorization, and upon a reduction in the U.S. assessment rate for the U.N. regular budget to at least 22 percent, and for peacekeeping to at least 25 percent, as proposed in the House bill.

These conditions, including those conditions pending as part of the authorization, are intended to assure that real and substantial reforms are achieved at the U.N. prior to payment of arrearage funding, and to assure assessment reductions that will provide long-term savings to the American taxpayer.

#### INTERNATIONAL COMMISSIONS

##### INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

##### SALARIES AND EXPENSES

The conference agreement includes \$19,551,000 for Salaries and Expenses of the International Boundary and Water Commission (IBWC), instead of \$18,490,000 as proposed in the House bill, and \$17,490,000 as proposed in the Senate bill. The total amount provided in the conference agreement for Salaries and Expenses and Construction is the same as was provided in the House bill. However, \$1,061,000 has been moved from Construction to Salaries and Expenses to address a situation brought to the attention of the conferees by the Department. Costs for operation of the South Bay International Wastewater Treatment Plant are higher than budgeted due mainly to the requirement to monitor the ocean water after the new plant begins discharging treated wastewater. Appropriated and carryover funds are sufficient in the Construction account to address this additional need as well as to carry on planned construction activities, but the amount of funds required to be transferred to the Salaries and Expenses account exceeds the transfer authority available. Consequently, the adjustment was requested to be made a part of the conference report. Carryover funds from within the Construction account from the Tijuana Sanitation Project are to be used to make up the reduction in Construction funds caused by the switch.

The statement of managers adopts by reference language in the House report relating to the Nogales Wash.

#### CONSTRUCTION

The conference agreement includes \$5,939,000 for the Construction account of the IBWC, instead of \$7,000,000 as proposed in the House bill and \$6,463,000 as proposed in the Senate bill. As explained under the previous

account, \$1,061,000 has been moved from the House amount for Construction to Salaries and Expenses to cover an unbudgeted need that could not be solved through a transfer of funds after enactment of this appropriation. However, carryover from the Tijuana Sanitation Project is available to allow the Construction account to carry out planned projects. It is intended that \$2,000,000 be provided for the Rio Grande Canalization project.

#### AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement includes \$5,733,000 for the U.S. share of expenses of the International Boundary Commission, the International Joint Commission, United States and Canada, and the Border Environment Cooperation Commission, instead of \$5,490,000 as provided in both the House and Senate bills. The conference level will provide funding for the International Joint Commission at the request level, and the International Boundary Commission and the Border Environment Cooperation Commission at the fiscal year 1998 level.

#### INTERNATIONAL FISHERIES COMMISSIONS

The conference agreement includes \$14,549,000 for the U.S. share of the expenses of the International Fisheries Commissions and related activities, as proposed in the Senate bill, instead of \$14,490,000 as proposed in the House bill. The distribution of funds is to be provided as requested in the budget.

#### OTHER

##### PAYMENT TO THE ASIA FOUNDATION

The conference agreement includes \$8,250,000 for the Payment to the Asia Foundation account, the amount provided in the House bill, instead of no funding, as provided in the Senate bill. The increase over the fiscal year 1998 level is to be used for the purposes described in the House report.

#### RELATED AGENCIES

##### ARMS CONTROL AND DISARMAMENT AGENCY

##### ARMS CONTROL AND DISARMAMENT ACTIVITIES

The conference agreement includes \$41,500,000 for the Arms Control and Disarmament Agency (ACDA), as proposed in the House bill, instead of \$43,400,000 as proposed in the Senate bill. The Agency is directed to provide a detailed financial plan to the Committees within 30 days of enactment of this Act, setting forth how these funds will be distributed to fund basic operating expenses. Funding for activities other than basic operating expenses that are identified in the financial plan will be subject to the \$500,000 reprogramming threshold in section 605 of this Act. Any variation from the plan that falls within the reprogramming criteria of section 605, including spending for activities that do not constitute operating expenses, shall be subject to reprogramming. If the Agency is contemplating changes to its financial plan, the Agency is expected to consult with the Committees to determine whether those changes fall within the reprogramming criteria prior to undertaking such action.

#### UNITED STATES INFORMATION AGENCY

##### INTERNATIONAL INFORMATION PROGRAMS

The conference agreement includes \$455,246,000 for International Information Programs of the United States Information Agency (USIA) instead of \$457,146,000 as proposed in the House bill, and \$427,097,000 as proposed in the Senate bill. It is expected that the program direction included in both the House and Senate reports shall be followed.

#### TECHNOLOGY FUND

The conference agreement includes no funding under the Technology Fund account

as proposed in the House bill, instead of \$5,050,000 as proposed in the Senate bill. It is expected that USIA will be able to meet its highest priority technology funding needs by using the available carryover funds in this account, and through other appropriations that may be available separately for Year 2000 compliance. In addition, under the Educational and Cultural Exchange Programs account, the conference agreement provides authority to transfer up to \$2,000,000 to this account for technology requirements other than Year 2000 compliance.

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes \$202,500,000 for Educational and Cultural Exchange Programs instead of \$200,000,000 as proposed in the House bill and \$205,024,000 as proposed in the Senate bill. The conference agreement also provides that not to exceed \$800,000 may be credited to this appropriation from fees and other payments.

The availability of significant carryover and recovery funds in this account is noted, and USIA is directed to submit a proposal, no later than December 31, 1998, through the normal reprogramming process for the distribution of the total resources available in this account. Such a distribution shall include funding for the following programs at not less than the amounts designated. In addition, all programs specifically mentioned in the House and Senate reports, but not mentioned in the following list shall be supported to the maximum extent possible: Fulbright Academic Exchanges—\$95,000,000; Educational Advising and Student Services—\$3,100,000; English Language Programs—\$2,479,000; Council of Overseas American Research Centers—\$300,000; American Overseas Research Centers—\$1,700,000; South Pacific Exchanges—\$500,000; International Visitors Program—\$41,270,000; Congress-Bundestag Youth Exchange—\$2,400,000; Pepper Scholarships—\$250,000; Executive Education Program for Central European Business and Professional Leaders—\$275,000; Mike Mansfield Fellowships—\$2,200,000; U.S./Mexico Conflict Resolution Center—\$500,000; Institute for Representative Government—\$400,000; National Youth Science Camp of the Americas—\$100,000; Interparliamentary Exchanges with Korea and China—\$150,000; 1999 Women's World Cup—\$2,000,000 and Special Olympics—\$1,250,000. In addition, the distribution of funds shall include funding, to the maximum extent possible, for the Disability Exchange Clearinghouse program.

It is intended that the amount provided for the Congress-Bundestag Youth Exchange will support 380 exchanges.

USIA is again encouraged to introduce more competition to improve the quality and lower the costs of exchange programs. USIA is expected to continue to consult with the Committees to ensure that the competition for the administration of the Fulbright senior scholar program will address the issue of competition on a regional basis so as to maximize the availability of competitor organizations.

The conference agreement includes bill language not proposed in either bill which allows the transfer of not to exceed \$2,000,000 from the funds made available in this account to the Technology Fund account to provide for the costs of high priority technology requirements other than Year 2000 compliance.

#### EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Trust Fund in fiscal year 1999 to be used for necessary expenses of the Eisenhower Exchange Fellowships.

## ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Scholarship Fund in fiscal year 1999 to be used for necessary expenses of the Israeli Arab Scholarship Program.

## INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes \$362,365,000 for International Broadcasting Operations, instead of \$383,957,000 as proposed in the House bill, and instead of \$332,915,000 as proposed in the Senate bill. The conference agreement adopts the approach proposed in the Senate bill for broadcasting to Cuba. No funds for broadcasting to Cuba are included under this account, as proposed by the House, but rather, all funding for broadcasting to Cuba is included under a separate account, as proposed by the Senate, consistent with the fiscal year 1998 appropriations Act.

The amount provided includes all requested adjustments to base. In addition, the conference agreement includes a program increase of \$2,600,000 above the amount requested for Radio Free Asia (RFA). Total fiscal year 1999 funding of \$22,000,000 for RFA provides the annualized costs of fiscal year 1998 program increases for expanded broadcasting to China, and additional resources to provide for 24 total broadcast hours per day to China in various languages.

The Agency and the Broadcasting Board of Governors are directed to submit to the House and Senate Committees on Appropriations, no later than December 31, 1998, a financial plan including a distribution of the total resources available under this account. In addition, The Broadcasting Board of Governors is directed to implement the development of Uighur and Macedonian broadcasting by Radio Free Asia and the Voice of America, respectively, and to submit details of this implementation to the Committees along with the financial plan no later than December 31, 1998.

Within the total amount provided for international broadcasting operations, \$4,000,000 shall be for the costs of Radio Free Iran, a Farsi-language surrogate broadcasting service to Iran, which was initiated by Radio Free Europe/Radio Liberty with funding provided in 1998. The conference agreement does not include additional funding for Radio Free Europe/Radio Liberty to initiate and operate Radio Free Iraq, a new Arabic language broadcast service. Funding provided in the 1998 Supplemental Appropriations Act (P.L. 105-174) was sufficient to support the fiscal year 1998 and fiscal year 1999 costs of Radio Free Iraq. The conference agreement reflects continuing support for the contribution made by Radio Free Europe/Radio Liberty to United States national interests.

In recognition of language included in the Senate report, communications with the House and Senate Committees on Appropriations on the part of the various broadcasting entities, including the independent grantee organizations, shall be coordinated through the Broadcasting Board of Governors.

Within the total amount provided for the Voice of America, the conference agreement stipulates that the Voice of America may initiate expanded programming to Africa under a service entitled "Radio Democracy for Africa," subject to reprogramming, even if the funds provided are less than the thresholds established in section 402 and 605 of this Act. This service would expand VOA's reach into Africa by building on existing programs, adding more news, and increasing in-country reporting on a continent where only six of the 54 countries have a free press. USIA and the Broadcasting Board of Gov-

ernors shall provide the Committees with a detailed plan justifying the specific amounts dedicated to Radio Democracy for Africa.

## BROADCASTING TO CUBA

The conference agreement includes \$22,095,000 for Broadcasting to Cuba under a separate account, as proposed in the Senate bill, instead of \$21,992,000 within the total for International Broadcasting Operations, as proposed in the House bill.

## RADIO CONSTRUCTION

The conference agreement includes \$13,245,000 for Radio Construction, as proposed in the Senate bill, instead of \$16,308,000 as proposed in the House bill. This account provides funding for the following activities: maintenance, improvements, replacements and repairs; satellite and terrestrial program feeds; engineering support activities; and broadcast facility leases and land rentals.

The conference agreement takes into account the availability of approximately \$10,700,000 in carryover balances, and the transfer of \$2,866,000 in fiscal year 1998 from the International Broadcasting Operations account to support the retrofitting of transmitters with solid state modulators, originally budgeted as a fiscal year 1999 cost.

The conference agreement acknowledges the presence once again of large carryover balances attributed to the Digital Project. The Broadcasting Board of Governors is directed to submit to the Committees quarterly reports on the status of the project, including information on planned and actual obligations.

## EAST-WEST CENTER

The conference agreement includes \$12,500,000 for operations of the East-West Center, instead of no funds, as proposed in the House bill, and \$12,000,000, as proposed in the Senate bill. The conference agreement does not include a transfer of \$13,000,000 from the Department of State, Diplomatic and Consular Programs account, as proposed in the Senate bill.

## NORTH/SOUTH CENTER

The conference agreement includes \$1,750,000 for operations of the North/South Center, instead of no funds, as proposed in the House bill, and \$3,000,000, as proposed in the Senate bill.

## NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement includes \$31,000,000 for the National Endowment for Democracy as proposed in the House bill, instead of \$30,500,000 as proposed in the Senate bill.

## GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

*Section 401.*—The conference agreement includes section 401, as provided in the Senate bill, permitting use of funds for allowances, differentials, and transportation. The House bill contained a similar provision, with minor technical changes.

*Sec. 402.*—The conference agreement includes section 402, as provided in the House bill, dealing with transfer authority. The Senate bill contained a similar provision, with minor technical changes.

*Sec. 403.*—The conference agreement includes a provision, as proposed in the House bill, to allow payment of a border equalization adjustment to approximately 20 employees of the Department of State and other agencies who are not members of the Foreign Service, live in the United States, but commute to work in locations in Mexico and Canada. This section will equalize pay for these employees based on the locality pay rates paid for service performed in the United States within the locality pay areas closest to the employees' foreign duty station. The Senate bill did not include a provision on this matter.

*Sec. 404.*—The conference agreement includes section 404, as proposed in the House bill, permitting the Japan-U.S. Friendship Commission to interchange funds between its dollar and yen trust funds to maximize return on investments. The Senate had a similar provision as section 617 under Title VI, with minor technical differences. The Conference agreement does not include additional language, as proposed in the House bill, providing for the name of the Commission to be changed to the United States-Japan Commission.

*Sec. 405.*—The conference agreement includes section 405, as provided in the House bill, authorizing the Director of USIA to administer summer travel and work programs without regard to preplacement requirements. The Senate bill did not include a provision on this matter.

*Sec. 406.*—The conference agreement includes section 406, as provided in the House bill, extending privileges and immunities to the United Nations Industrial Development Organization to the same extent as would apply if the U.S. were a member of that organization. The Senate bill did not include a provision on this matter.

*Sec. 407.*—The conference agreement includes section 407, as provided in the House bill, extending law enforcement availability pay to diplomatic security agents of the Department of State. The Senate bill did not include a provision on this matter.

*Sec. 408.*—The conference agreement includes section 408, a modified version of a provision numbered section 403 in the Senate bill, prohibiting the use of funds by the Department of State or USIA to provide certain types of assistance to the Palestinian Broadcasting Corporation. The conference agreement does not include "training" among the types of assistance prohibited, and deletes the words "or similar organization" from the Senate provision. The House did not include a provision on this matter, but included report language under the USIA section. The conference agreement expects that neither the Department of State, nor USIA, shall provide assistance to the PBC, or any similar Palestinian media entity, which could enable the further restriction of press freedoms or the broadcast of inaccurate, inflammatory messages.

*Sec. 409.*—The conference agreement includes section 409, as proposed in the Senate bill, giving the Secretary of State permanent authority to pay tort claims arising in foreign countries in connection with the Department's overseas operations. The House bill did not contain a provision on this matter.

*Sec. 410.*—The conference agreement includes section 410, which is a modification of a provision in the Senate bill under Senate sections 116(b) and 409. This provision amends section 104 of the Illegal Immigration and Immigrant Responsibility Act of 1996 to extend the implementation date for the State Department to issue new counterfeit resistant border crossing cards by two years. In addition, it establishes a reduced fee for the issuance of a border crossing card from Mexico for children under 15, to be implemented 6 months from date of enactment, requiring the overall machine readable visa fee to be adjusted to recover the cost of this reduced fee, and requiring that processing of visa applications at certain locations in Mexico continue until a date certain. The House bill did not include a provision on this matter.

*Sec. 411.*—The conference agreement includes section 411, not included in either the House or Senate bill, waiving provisions of

existing legislation that require authorizations to be in place for the State Department, the United States Information Agency, including International Broadcasting Operations, and the Arms Control and Disarmament Agency prior to the expenditure of any appropriated funds.

The conference agreement does not include a provision, as proposed in the Senate bill as section 410, requiring the Secretary of State to conduct a study on the processing of non-immigrant visas. However, the Department is directed to undertake a study to determine the adequacy of staffing at United States consular posts, particularly during peak travel periods; the adequacy of service to international tourism; the adequacy of computer and technical support to consular posts; the appropriate standard to determine whether a country qualifies as a pilot program country under section 217 of the Immigration and Nationality Act; and steps that need to be taken and have been taken to implement standards governing the timely processing of applications for nonimmigrant visas at United States consular posts and to report back to the Committees by March 1, 1999.

#### TITLE V—RELATED AGENCIES

##### DEPARTMENT OF TRANSPORTATION

###### MARITIME ADMINISTRATION

###### MARITIME SECURITY PROGRAM

The conference agreement includes \$89,650,000 for the Maritime Security Program instead of \$97,650,000 as proposed in both the House and Senate bill. At least \$8,000,000 in carryover funding is understood to be available, in addition to new appropriations, to provide full funding for the fiscal year 1999 requirements of the program. This program, funded under the allocation for national security programs, provides payments to maintain and preserve a U.S.-flag merchant fleet for the national security needs of the United States.

###### OPERATIONS AND TRAINING

The conference agreement includes \$69,303,000 for the Maritime Administration Operations and Training account instead of \$67,600,000 as proposed in the House bill and instead of \$69,818,000 as proposed in the Senate bill. Within this amount, \$32,000,000 shall be for the operation and maintenance of the U.S. Merchant Marine Academy, and \$6,750,000 shall be for the State Maritime Academies. Within the amount for State Maritime Academies, \$1,200,000 shall be for student incentive payments, the same amount as provided in 1998. The Maritime Administration is urged to work with the Department of the Navy regarding the need to provide future funding in this account for student incentive payments.

In addition, MARAD is expected to comply with report language in both the House and Senate reports.

###### MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

The conference agreement provides \$6,000,000 in subsidy appropriations for the Maritime Guaranteed Loan Program as proposed in both the House and Senate bills. This amount will subsidize a program level of not more than \$1,000,000,000 as proposed in both the House and Senate bills.

The conference agreement also included \$3,725,000 for administrative expenses associated with the Maritime Guaranteed Loan Program as proposed in the House bill, instead of \$4,000,000 as proposed in the Senate bill. The amount for administrative expenses may be transferred to and merged with amounts under the MARAD Operations and Training account.

###### ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

The conference agreement includes provisions contained in both the House and Senate bills involving Government property controlled by MARAD, the accounting for certain funds received by MARAD, and a prohibition on obligations from the MARAD construction fund.

###### COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

###### SALARIES AND EXPENSES

The conference agreement provides \$265,000 for the Commission for the Preservation of America's Heritage Abroad, instead of \$280,000 as proposed in the House bill and \$250,000 as proposed in the Senate bill. The Commission is expected to comply with the program direction included in the Senate report.

###### COMMISSION ON CIVIL RIGHTS

###### SALARIES AND EXPENSES

The conference agreement includes \$8,900,000 for the salaries and expenses of the Commission on Civil Rights as proposed in the Senate bill, instead of \$8,740,000 as proposed in the House bill.

Concerns remain about the state of basic management controls at the Commission. The conference agreement is based on the expectation that the Commission will continue its efforts to establish accountability for resources, and improve management controls. The Commission shall submit a report not later than January 31, 1999, detailing the Commission's activities since last year's GAO report to improve resource and project management. In addition, the Commission shall submit, not later than January 31, 1999, a comprehensive financial plan for fiscal year 1999 accounting for total available resources by project and activity.

###### COMMISSION ON SECURITY AND COOPERATION IN EUROPE

###### SALARIES AND EXPENSES

The conference agreement includes \$1,170,000 for the Commission on Security and Cooperation in Europe as proposed in the House bill, and instead of \$1,159,000 as proposed in the Senate bill.

###### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

###### SALARIES AND EXPENSES

The conference agreement includes \$279,000,000 for the salaries and expenses of the Equal Employment Opportunity Commission, instead of \$260,500,000 as proposed in the House bill, and \$253,580,000 as proposed in the Senate bill.

Within the total amount, the conference agreement includes \$29,000,000 for payments to State and local Fair Employment Practices Agencies (FEPA's) for services to the Commission, instead of \$28,000,000 as proposed in the House bill and \$27,500,000 as proposed in the Senate bill. The additional funds provided above the request for this item shall be used to reimburse FEPA's for additional charge resolutions.

The conference agreement provides full funding for all adjustments to base, an increase of \$1,500,000 for FEPA's and additional funding for program increases, including \$9,690,000 for necessary automation improvements at the EEOC. This increase includes requirements for Year 2000 compliance. Additional resources are provided for program increases to support improvements to the investigation and resolution of actual individual charges of discrimination. These resources will allow the EEOC to continue to reduce the backlog of pending private sector charges, and to significantly expand the use of alternative dispute resolution to resolve

private sector charges. The EEOC is directed to submit to the Committee a distribution of the total amount of funds under this account, no later than December 15, 1998, including plans for the implementation of program increases, making reference to the specific direction included in the House and Senate reports. This distribution shall be considered by the Committees under the reprogramming guidelines in section 605 of this Act.

###### FEDERAL COMMUNICATIONS COMMISSION SALARIES AND EXPENSES

The conference agreement includes a total of \$192,000,000 for the salaries and expenses of the Federal Communications Commission (FCC) instead of \$181,514,000 as proposed in the House bill, and \$197,921,000 as proposed in the Senate bill. Of the amounts provided, \$172,523,000 is to be derived from offsetting fee collections, as proposed in both the House and Senate bills, resulting in a net direct appropriation of \$19,477,000, instead of \$8,991,000 included in the House bill, and \$25,398,000 included in the Senate bill.

The conference agreement includes language included in both the House and Senate bills, and included in previous appropriations Acts, allowing fees in excess of the amounts specified to remain available for expenditure in future years. In addition, language is also included, as recommended in the House bill and included in previous appropriations Acts, allowing funds provided for research and policy studies to remain available for two years. The Senate bill made such funds available for one year.

The FCC is directed to submit, no later than December 15, 1999, a financial plan proposing a distribution of all funds in this account, subject to the reprogramming requirements under section 605 of this Act.

The conference agreement does not include a requested funding increase for Year 2000 compliance requirements. The Commission is expected to be able to meet these requirements through funds that may be appropriated separately for that purpose.

The conference agreement does not include a provision, as proposed in the House bill, prohibiting the use of funds for rental of headquarters space at the Portals II building assessed by the General Services Administration, or for any relocation expenses, until such time as ongoing investigations by the Congress and the Department of Justice determine that the lease agreement was lawfully entered into by the parties involved.

It is noted that operators of public safety radio systems are concerned about interference on frequencies they use for emergency dispatch crews, and FCC is encouraged to consider measures to address this concern through prior coordination of radio systems.

###### FEDERAL MARITIME COMMISSION SALARIES AND EXPENSES

The conference agreement includes \$14,150,000 for the salaries and expenses of the Federal Maritime Commission, instead of \$14,000,000 as proposed in the House bill and \$14,300,000 as proposed in the Senate bill.

###### FEDERAL TRADE COMMISSION SALARIES AND EXPENSES

The conference agreement includes a total operating level of \$116,679,000 for the Federal Trade Commission, instead of \$111,867,000 as proposed in the Senate bill, and \$110,490,000 as proposed in the House bill. The conference agreement assumes that of the amount provided, \$76,500,000 will be derived from fees collected in fiscal year 1999 and \$30,000,000 will be derived from estimated unobligated fee collections available from Fiscal Year 1998. These actions result in a final appropriated level of \$10,179,000, instead of

\$3,990,000 as proposed in the House bill and \$3,167,000 as proposed in the Senate bill.

Within the amount provided, the FTC shall institute a toll-free telephone number to make it easier for citizens to contact the U.S. Government with consumer complaints, and accelerate and expand the Consumer Sentinel consumer and internet fraud database. The conferees also agree to consider the use of any unobligated fee collections from 1998 above \$30,000,000 for this and other consumer protection initiatives, subject to the reprogramming requirements outlined in section 605 of this Act.

The Commission is expected to follow the direction in the House report regarding the standard for "Made in U.S.A."

It is noted that FTC regulation addressing funeral director and funeral service practices does not include cemeteries or other third-party merchandise sellers. In order to ensure consumers are afforded access to accurate, itemized price information and disclosure about burial or funeral goods, the FTC is encouraged to review the sales, marketing, price disclosure, and other consumer practices of all persons, partnerships, corporations, or nonprofit organizations that sell burial or funeral products to the public and are not covered by the regulation.

It is understood that the FTC is undertaking a study of self-regulatory activities of alcoholic beverage companies to address concerns about alcohol advertising and underage drinking, and that upon completion of the study, the results will be made available to the relevant Committees of Congress. Congress, upon review of the report, may have additional areas of inquiry for the Commission to investigate.

#### LEGAL SERVICES CORPORATION PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes \$300,000,000 for payment to the Legal Services Corporation, as proposed in the Senate bill, instead of \$250,000,000 as proposed in the House bill.

The conference agreement provides \$289,000,000 for grants to basic field programs and independent audits, \$8,985,000 for management and administration, and \$2,015,000 for the Office of the Inspector General. The conference agreement does not include language proposed in the Senate bill to designate \$300,000 of funds provided under this account for litigation associated with *Agular v. United States*. The House bill did not address this matter.

#### ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The conference agreement contains language to continue the terms and conditions included under this section in the fiscal year 1998 Act, as proposed in the House bill. The Senate bill contained similar language, but did not propose to continue provisions regarding public disclosure of certain information and treatment of assets and income for certain clients.

#### MARINE MAMMAL COMMISSION SALARIES AND EXPENSES

The conference agreement includes \$1,240,000 for the salaries and expenses of the Marine Mammal Commission as proposed in both the House and Senate bills.

#### COMMISSION ON OCEAN POLICY SALARIES AND EXPENSES

The conference agreement appropriates \$3,500,000 for the Commission on Ocean Policy, as proposed in the Senate bill, subject to the enactment of the necessary authorization legislation to establish this Commission. The House bill did not address this matter.

#### SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES

The conference agreement includes \$324,000,000 for the Securities and Exchange Commission as proposed in the House bill, instead of \$341,098,000 as proposed in the Senate bill. The conference agreement includes bill language appropriating separately from offsetting fee collections in fiscal years 1998 and 1999, as proposed in the House bill. The conference agreement includes \$23,000,000 in new direct appropriations, \$87,000,000 in fees collected in fiscal year 1998, and \$214,000,000 in fees to be collected in fiscal year 1999. In addition, out of any other resources available to the Commission, the conference agreement approves the use of an additional \$6,000,000 from such funds to supplement the total funding available for fiscal year 1999.

The conference agreement does not include a provision in the Senate bill that the total amount appropriated from the General Fund for fiscal year 1999 shall be reduced as offsetting fees are deposited to this appropriation.

The conference agreement will provide for the Commission's adjustments to base and the requested program increases for additional staff and litigation support. The Commission is expected to consult with the relevant Committees prior to implementing any plan to expand the payment of retention allowances in fiscal year 1999.

No increased funding is provided for Year 2000 automation improvements. It is expected that the SEC will be able to meet its highest priority requirements through other appropriations that may be available separately for Year 2000 compliance.

It is intended that any offsetting fee collections in fiscal year 1999 in excess of \$214,000,000 will remain available for the Securities and Exchange Commission in future years through the regular appropriations process.

The conference agreement includes the expectation that additional program direction contained in the House and Senate reports shall be followed.

#### SMALL BUSINESS ADMINISTRATION SALARIES AND EXPENSES

The conference agreement provides an appropriation of \$288,300,000 for the Small Business Administration (SBA) Salaries and Expenses account, instead of \$249,000,000 as proposed in the House bill, and \$265,000,000 as proposed in the Senate bill.

In addition to amounts made available under this heading, the conference agreement includes \$94,000,000 for administrative expenses under the Business Loans Program Account and \$116,000,000 for direct disaster loan making and servicing administrative expenses under the Disaster Loans Program account. These amounts are transferred to and merged with amounts available under Salaries and Expenses, resulting in total funding of \$496,300,000 for SBA operating programs, noncredit and other initiatives.

The conference agreement provides a total of \$141,300,000 for SBA's regular operating expenses under this account. This amount includes \$2,000,000 for necessary expenses of the HUBZone program, and \$8,000,000 for initiatives to continue the improvement of SBA's management and oversight of its loan portfolio. The SBA shall submit a plan, prior to the expenditure of resources for portfolio management, in accordance with section 605 of this Act.

In addition, the conference agreement includes language under the Business Loans Program Account allowing the transfer of up to \$20,000,000 from funds previously made available for Delta Loan programs to be transferred to and merged with this account to supplement funding for operating expenses.

The conference agreement includes the following amounts for noncredit programs:

Small Business Development Centers .....	\$82,000,000
7(j) Technical Assistance ...	2,600,000
Microloan Technical Assistance .....	16,300,000
SCORE .....	3,500,000
Business Information Centers .....	700,000
Women's Business Centers	8,000,000
Survey of Women-Owned Businesses .....	750,000
National Women's Business Council .....	600,000
EZ/EC One Stop Capital Shops .....	3,100,000
US Export Assistance Centers .....	3,100,000
Advocacy Research .....	800,000
Veterans Outreach .....	750,000
ProNet .....	500,000
SBIR Technical Assistance	1,000,000
Drug-free Workplace Grants .....	4,000,000
Regulatory Fairness Boards .....	500,000
<b>Total .....</b>	<b>128,200,000</b>

*Small Business Development Centers (SBDC).*—Of the amounts provided for SBDCs, the conference agreement includes \$2,000,000 to continue the SBDC Defense transition program as directed in the House report; \$1,000,000 to continue the Environmental Compliance Project as directed in the House report; \$1,000,000 for the further development of the International Trade Data Network as described in the Senate report; and \$500,000 for the Manchester Manufacturing Management Center to provide technical assistance to small manufacturers and industrial firms.

In addition, the conference agreement includes language, as proposed in both the House and Senate bills, making funds for the SBDC program available for two years.

*Women's Business Centers.*—The conference agreement includes funding for the Women's Business Centers program at \$8,000,000, instead of \$6,000,000 as proposed in the House bill and \$9,000,000 as proposed in the Senate bill.

*Microloan Technical Assistance.*—The conference agreement provides a total availability of \$19,400,000 for the Microloan Technical Assistance program in fiscal year 1999. Of this amount, \$16,300,000 is provided in direct appropriations and \$3,100,000 is to be derived from carryover balances from fiscal year 1998.

*Business Information Centers.*—The conference agreement provides \$700,000 for Business Information Centers. This amount is intended to support the opening of 6 to 8 new centers, the maintenance and enhancement of 60 existing centers, and the establishment of a new center in southeastern Oklahoma.

*Small Business Innovation Research.*—The conference agreement includes \$1,000,000 for technical assistance grants to States receiving the fewest small business innovation research awards, as described in the Senate report.

*Drug-free Workplace Demonstration Grant Program.*—The conference agreement includes \$4,000,000 for a Drug-free Workplace Demonstration Program, as described in H.R. 3853, for the purpose of providing technical assistance to small business concerns seeking to start a drug-free workplace program.

The conference agreement adopts language included in the House report directing the SBA to continue activities assisting small businesses to adapt to a paperless procurement environment, as well as activities

which assist small businesses in making the transition to meet both military and ISO 9000 quality systems requirements.

In addition, the conference agreement includes the following small business initiatives: \$3,500,000 for continuation of an outreach program to assist small business development; \$4,000,000 to develop a facility to increase small business opportunities and economic development; \$2,000,000 for infrastructure to develop a technology and training center; \$1,500,000 to develop a facility and operate an institute for small business and workforce development; \$1,500,000 for infrastructure to develop a learning and resource center; \$1,000,000 for a project to develop coal pulverization technologies; \$1,000,000 for infrastructure for a marine science education center; \$850,000 for infrastructure for a technology transfer center and small business incubator facility; \$1,000,000 for an institute on applied software research; \$500,000 for the development of an Internet-based information technology curriculum; \$200,000 for infrastructure for an arts and tourism development facility; \$300,000 for infrastructure improvements and enrichment projects; \$200,000 for a community development foundation; \$1,000,000 for the establishment of a training and technology center and associated infrastructure improvements; and \$250,000 to establish a Year 2000 challenge grant program for small businesses.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$10,800,000 for the SBA Office of Inspector General, instead of \$11,300,000 as proposed in the House bill and \$10,500,000 recommended in the Senate bill.

Further, an additional \$500,000 has been provided under the administrative expenses of the Disaster Loans Program to be made available to the Office of Inspector General for work associated with oversight of the disaster loans program.

#### BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement includes \$224,230,000 under the SBA Business Loans Program Account, instead of \$228,540,000 as proposed in the House bill, and \$240,816,000 as proposed in the Senate bill. Of these amounts, \$45,000,000 is to remain available for two years, as proposed in the House bill.

Of this amount, \$2,200,000 is provided for the costs of direct loans. This amount is provided for the Microloan Direct Loan Program. When combined with \$1,600,000 in available carryover, this amount will provide for an estimated 1999 program level of \$39,800,000.

The conference agreement includes \$128,030,000 for the costs of guaranteed loans, including the following programs:

7(a) *General Business Loans*.—The conference agreement provides \$107,750,000 in subsidy appropriations for the 7(a) general business guaranteed loan program, instead of \$119,400,000 as proposed in both the House and Senate bills. When combined with \$31,250,000 in available carryover balances and recoveries, this amount will subsidize a 1999 program level of \$10,000,000, assuming a subsidy rate of 1.39%. In addition, the conference agreement includes a provision, as proposed in both the House and Senate bills, requiring the SBA to notify the Committees on Appropriations in accordance with section 605 of this Act prior to providing a total program level greater than \$10,000,000,000.

*Small Business Investment Companies (SBIC)*.—The conference agreement provides \$20,280,000 for the SBIC participating securities and debenture programs, instead of \$20,230,000 as proposed in the House bill, and \$23,600,000 as proposed in the Senate bill. Of these amounts, for the participating securities program, \$16,620,000 is provided in sub-

sidi appropriations which, when combined with \$2,000,000 in prior year carryover, will result in a total program level of \$850,228,000 in fiscal year 1999. In addition, for the debentures program, \$3,660,000 is provided which, when combined with \$3,900,000 in prior year carryover and \$1,000,000 in available proceeds from stock buybacks will result in a total program level of \$620,290,000 in fiscal year 1999.

*Microloan Guaranty Programs*.—The conference agreement does not include new appropriations for the Microloan Guaranty Program, as none was requested. Available carryover will provide for the subsidy costs of, at least, the requested 1999 program level of \$11,995,000.

In addition, the conference agreement includes \$94,000,000 for administrative expenses to carry out the direct and guaranteed loan programs, as proposed in the Senate bill, instead of \$86,910,000 as proposed in the House bill, and makes such funds available to be transferred to and merged with the appropriations for Salaries and Expenses.

#### DISASTER LOANS PROGRAM ACCOUNT

The conference agreement includes a total of \$192,329,000 for this account, of which \$76,329,000 is for the subsidy costs for disaster loans, and \$116,000,000 is for the direct administrative expenses associated with disaster loan making and servicing. The Senate bill provided \$94,000,000 only for administrative expenses, while the House bill provided a total of \$216,000,000 for both loan subsidy costs and associated administrative expenses.

For disaster loans, the conference agreement assumes that the \$76,329,000 subsidy appropriation, when combined with \$79,475,000 in carryover balances and \$20,000,000 in recoveries, will provide a total disaster loan program level of \$76,243,000. The conference agreement takes into account that the budget requested no funds for the disaster loan program, and included a proposal to increase the interest rate charged to disaster victims, a proposal which has been rejected previously by the Congress. The Administration is strongly urged to realistically assess the level of need for the disaster loans program and budget accordingly.

SBA is reminded that recoveries from loan programs, including the Disaster Loan program, are subject to the reprogramming procedures set forth in section 605 of this Act.

Of the amounts provided for administrative expenses, \$500,000 is to be transferred to and merged with the Office of Inspector General account for oversight and audit activities related to the Disaster Loans program.

#### SURETY BOND GUARANTEES REVOLVING FUND

The conference agreement provides \$3,300,000 for additional capital for the SBA Surety Bond Guarantees Revolving Fund as proposed in both the House and Senate bills.

#### ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

The conference agreement includes a provision providing SBA with the authority to transfer funds between appropriations accounts, as provided in both the House and Senate bills.

#### STATE JUSTICE INSTITUTE SALARIES AND EXPENSES

The conference agreement provides \$6,850,000 for the salaries and expenses of the State Justice Institute (SJI) as proposed in both the House and Senate bills. The conference agreement does not include the transfer of an additional \$7,150,000 to this account from the Courts of Appeals, District Courts and Other Judicial Services account in Title III as proposed in the Senate bill.

#### TITLE VI—GENERAL PROVISIONS

The conference agreement includes the following general provisions:

*Sec. 601.*—The conference agreement includes section 601, identical in both the House and Senate versions of the bill, regarding the use of appropriations for publicity or propaganda purposes.

*Sec. 602.*—The conference agreement includes section 602, identical in both the House and Senate versions of the bill, regarding the availability of appropriations for obligation beyond the current fiscal year.

*Sec. 603.*—The conference agreement includes section 603, identical in both the House and Senate versions of the bill, regarding the use of funds for consulting services.

*Sec. 604.*—The conference agreement includes section 604, identical in both the House and Senate versions of the bill, providing that should any provision of the Act be held to be invalid, the remainder of the Act would not be affected.

*Sec. 605.*—The conference agreement includes section 605, as included in the House version of the bill, establishing the policy by which funding available to the agencies funded under this Act may be reprogrammed for other purposes.

*Sec. 606.*—The conference agreement includes section 606, identical in both the House and Senate versions of the bill, regarding the construction, repair or modification of National Oceanic and Atmospheric Administration vessels in overseas shipyards.

*Sec. 607.*—The conference agreement includes section 607, identical in both the House and Senate versions of the bill, regarding the purchase of American-made products.

*Sec. 608.*—The conference agreement includes section 608, identical in both the House and Senate bills, which prohibits funds in the bill from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion similar to proposed guidelines published by the EEOC in October, 1993.

*Sec. 609.*—The conference agreement includes section 609, as proposed in the House bill, that prohibits use of funds to expand U.S. diplomatic presence in Vietnam beyond the level in effect on July 11, 1995, unless the President makes a certification that several conditions have been met regarding Vietnam's cooperation with the United States on POW/MIA issues. The Senate bill included a similar provision as section 404, with minor technical differences.

*Sec. 610.*—The conference agreement includes section 610, as proposed in the House bill, prohibiting the use of funds for any United Nations peacekeeping mission that involves U.S. Armed Forces under the command or operational control of a foreign national, unless the President certifies that the involvement is in the national security interest, as proposed in the House bill. The Senate bill did not contain a provision on this matter.

*Sec. 611.*—The conference agreement includes section 611 which prohibits the use of funds to provide certain amenities for Federal prisoners, as provided in both the House and Senate bills.

*Sec. 612.*—The conference agreement includes a modified version of section 612, as proposed in the House bill, restricting the use of funds provided under the National Oceanic and Atmospheric Administration for fleet modernization activities. The Senate bill did not include a provision on this matter.

*Sec. 613.*—The conference agreement includes section 613, as proposed in the House bill, which requires agencies and Departments funded in this Act to absorb any necessary costs related to downsizing or consolidations within the amounts provided to the

agency or Department. The Senate bill included this same provision as section 610, with minor technical differences.

*Sec. 614.*—The conference agreement includes section 614, which prohibits funds made available to the Federal Bureau of Prisons from being used to make available any commercially published information or material to a prisoner when it is made known that such information or material is sexually explicit or features nudity. Both the House and the Senate bills included this section, but the Senate bill included this as section 611.

*Sec. 615.*—The conference agreement includes section 615, as proposed in the House bill, which limits funding under the Local Law Enforcement Block Grant to 90 percent, to an entity that does not provide public safety officers injured in the line of duty and as a result separated or retired from their jobs, with health insurance benefits equal to the insurance they received while on duty. The Senate bill included a similar section 612 with a minor technical difference.

*Sec. 616.*—The conference agreement includes section 616, proposed as section 613 in the Senate bill, which prohibits funds from being used to issue a visa to any alien involved in extrajudicial and political killings in Haiti. Specifically, the provision prohibits issuance of a visa to any person who (1) has been credibly alleged to have ordered, carried out, or assisted in extrajudicial and political killings of 16 named individuals; (2) was included in the list presented to former President Aristide by former National Security Advisor Anthony Lake; (3) was sought by the FBI in relation to political or extrajudicial killings; (4) was involved in the September 1991 coup or murders occurring between 1991 and 1994; or (5) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH. The provision gives the Secretary of State authority to make exceptions on a case-by-case basis. The provision also includes several reporting requirements by the Secretary of State to the House International Relations and Appropriations Committees and the Senate Foreign Relations and Appropriations Committees. The House bill contained no similar provision.

*Sec. 617.*—The conference agreement includes section 617, proposed as section 616 in the House bill, which prohibits funds available in this Act from being used to issue or renew a fishing permit or authorization for any vessel more than 165 feet long or greater than 750 gross tons, and with more than 3,000 shaft horsepower to engage in fishing for Atlantic mackerel or herring. In addition, vessels above these thresholds are prohibited from engaging in the catching, taking, or harvesting of fish in any other fishery within the United States exclusive economic zone (EEZ) (except territories) unless a certificate of documentation had been issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997 and such endorsement is still valid. In addition, language is included to nullify any fishing permit or authorization issued prior to enactment of this Act for vessels prohibited under this section from engaging in the fishing of Atlantic mackerel or herring, and prohibiting funds from being expended to issue a new permit or authorization to allow such a vessel whose Atlantic mackerel or herring permit has been nullified under this section from engaging in the catching, taking, or harvesting of fish in any other fishery within the U.S. EEZ. The Senate bill contained a similar provision as section 614.

*Sec. 618.*—The conference agreement includes a provision, Section 618, as proposed in the House bill, prohibiting funds provided in this Act from being used to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal of

foreign restrictions on the marketing of tobacco products, provided such restrictions are applied equally to all tobacco or tobacco products of the same type. This provision is not intended to impact routine international trade services provided to all U.S. citizens, including the processing of applications to establish foreign trade zones. The Senate bill did not contain a provision on this matter.

*Sec. 619.*—The conference agreement includes section 619, as proposed in both the House and Senate bills, prohibiting the use of funds to pay for the expenses of an election officer appointed by the court to oversee the election of any officer or trustee of the International Brotherhood of Teamsters.

*Sec. 620.*—The conference agreement includes section 620, a modified version of a provision numbered as section 616 in the Senate bill, which reduces the frequency of meetings of the Commission for the Preservation of America's Heritage Abroad to once every six months instead of once every three months. The conference agreement does not include language in the Senate provision reducing the number of commissioners. The House bill did not contain a provision on this matter.

*Sec. 621.*—The conference agreement includes section 621, a modified version of a provision numbered as section 620 in the Senate bill, to prohibit a user fee from being charged for background checks conducted pursuant to the Brady Handgun Control Act of 1993, and to prohibit implementation of a background check system that does not require and result in destruction of certain information. The House bill did not include a provision on this matter.

*Sec. 622.*—The conference agreement includes section 622, proposed as section 628 in the Senate bill, which requires the United States Trade Representative (USTR) to make certain reporting requirements to the Congress regarding Korean steel subsidies. The House bill did not include a provision on this matter.

*Sec. 623.*—The conference agreement includes section 623, proposed as section 901 in the House bill, prohibiting the use of funds in this or any other Act to implement, administer, or enforce Executive Order No. 13083 on Federalism. The Senate bill included a provision numbered 623 on this matter expressing the Sense of the Senate that the President should repeal Executive Order No. 13083 and reissue two earlier Executive Orders on Federalism.

*Sec. 624.*—The conference agreement includes section 624, proposed as section 903 in the House bill, transferring Schuylkill, Pennsylvania from the Eastern Judicial District to the Middle Judicial District of Pennsylvania. The Senate bill had a similar provision.

*Sec. 625.* The conference agreement includes section 625, which modifies section 904 in the House bill, prohibiting funds from being used for the participation of United States delegates to the Standing Consultative Commission to implement a 1997 memorandum of understanding regarding the 1972 Anti-Ballistic Missile Treaty between the U.S. and the U.S.S.R. Starting 60 days after enactment of this Act, unless the President submits a certification or the Senate ratifies the memorandum of understanding. The Senate bill did not include a provision on this matter.

*Sec. 626.* The conference agreement includes a provision making appropriations and funds made available and authority granted under the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 available through June 15 1999. The appropriations and funds made available and the authority granted are to be apportioned in the manner established for funds provided by a continuing resolution.

The departments and agencies under the jurisdiction of this Act are directed to pro-

vide financial plans, including funding requirements by month, to the Committees on Appropriations as soon as available, but no later than 30 days after enactment of this Act. In addition, the Office of Management and Budget is expected to provide copies of all apportionments to the Committees. These requirements are in addition to all other requirements included in the conference agreement and statement of managers with respect to individual departments and agencies.

## TITLE VII—RESCISSIONS

### DEPARTMENT OF JUSTICE

#### GENERAL ADMINISTRATION

##### WORKING CAPITAL FUND

###### (RESCISSION)

The conference agreement includes a rescission of \$99,000,000 from unobligated balances under this heading, instead of \$45,326,000 as proposed in both the House and Senate bills.

#### LEGAL ACTIVITIES

##### ASSET FORFEITURE FUND

###### (RESCISSION)

The conference agreement includes a rescission of \$2,000,000 from unobligated balances under this heading. The House and Senate bills did not include a rescission under this heading.

#### FEDERAL BUREAU OF INVESTIGATION

##### (RESCISSIONS)

The conference agreement includes a rescission of \$12,700,000 from various accounts under this heading, a modified version of a rescission proposed in the Senate bill. The Senate bill recommended rescissions totaling \$22,878,000. The conference agreement does not include the additional \$10,178,000 in rescissions as such funds have already been obligated or have expired. The House bill did not include a rescission under this heading.

#### IMMIGRATION AND NATURALIZATION SERVICE

##### IMMIGRATION EMERGENCY FUND

###### (RESCISSION)

The conference agreement includes a rescission of \$5,000,000 from unobligated balances under this heading. The House and Senate bills did not include a rescission under this heading.

#### DEPARTMENT OF COMMERCE

##### (RESCISSIONS)

The conference agreement includes a rescission of \$915,000 from the United States Travel and Tourism Administration, and \$1,175,000 from the Endowment for Children's Educational TV, as proposed in the Senate bill. The House bill did not include rescissions under this heading.

#### NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

##### INDUSTRIAL TECHNOLOGY SERVICES

###### (RESCISSION)

The conference agreement includes a rescission of \$6,000,000 from excess unobligated balances under this heading. The House and Senate bills did not include a rescission under this heading.

#### DEPARTMENT OF TRANSPORTATION

##### MARITIME ADMINISTRATION

##### SHIP CONSTRUCTION

###### (RESCISSION)

The conference agreement includes a rescission of \$17,000,000 from unobligated balances under this heading. The House and



Senate bills did not include a rescission under this heading.

#### TITLE VIII

*Sec. 801.* The conference agreement includes a provision that modifies Title VIII, Citizens Protection, as included in the House bill. That provision sets forth ethical standards for attorneys for the Government and requires an attorney for the Government to be subject to State laws and rules, and local Federal court rules, governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State. The Attorney General is to make and amend rules of the Department of Justice to assure compliance with that requirement. This section takes effect 180 days after the date of enactment of this Act.

#### TITLE—NATIONAL WHALE CONSERVATION FUND ACT

The conference agreement includes Title—The National Whale Conservation Fund Act of 1998 as proposed in the Senate bill. This Act 1) includes findings that funding available for whale conservation is insufficient and that there is a need to facilitate the use of non-Federal funds for this purpose; 2) amends the National Fish and Wildlife Establishment Act to provide authority to the National Fish and Wildlife Foundation to establish a "national whale conservation fund" and receive funds for deposit; 3) establishes priorities for the use of the fund; and 4) requires the National Fish and Wildlife Foundation to consult with NOAA and the Marine Mammal Commission. The House bill did not contain any provisions on these matters.

#### CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1999 recommended by the Committee of Conference, with comparisons to the fiscal year 1998 amount, the 1999 budget estimates, and the House and Senate bills for 1999 follow:

New budget (obligational) authority, fiscal year 1998 .....	\$32,123,907,000
Budget estimates of new (obligational) authority, fiscal year 1999 .....	38,071,468,000
House bill, fiscal year 1999 .....	33,977,221,000
Senate bill, fiscal year 1999 .....	33,238,790,000
Conference agreement, fiscal year 1999 .....	34,199,704,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1998 .....	+2,075,797,000
Budget estimates of new (obligational) authority, fiscal year 1999 .....	-3,871,764,000
House bill, fiscal year 1999 .....	+222,483,000
Senate bill, fiscal year 1999 .....	+960,914,000

#### SECTION 101(c): DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1999

The conferees H.R. 4328 agree with the matter inserted in this subsection of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in the House and Senate versions (H.R. 4380 and S. 2333 of the District of Columbia Appropriations Act, 1999, by members of the appropriations subcommittees of both the House and Senate with jurisdiction over H.R. 4380 S. 2333.

H.R. 4380 was passed by the House on August 6, 1998, and S.2333 was reported by the Senate Committee on Appropriations on July 21, 1998. The conference agreement with

respect to fiscal year 1999 appropriations for the District of Columbia government incorporates some of the provisions of both the House and the Senate reports accompanying the respective bills. Report language and allocations set forth in either House Report 105-670 or Senate Report 105-254 which are not changed by the conference agreement are approved. The agreement described herein, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided. General provisions which are identical in the House passed version of H.R. 4380 and the Senate Appropriations Committee reported version of S.2333 are unchanged by the conference agreement and are approved unless provided to the contrary herein.

#### FEDERAL FUNDS

##### METRO RAIL IMPROVEMENTS AND EXPANSION

The conference agreement appropriates \$25,000,000 as proposed by the House for metrorail improvements and expansion at the Mount Vernon Square Metrorail station located at the site of the proposed Washington Convention Center project. The Senate proposal would have given the D.C. Financial Responsibility and Management Assistance Authority (hereafter referred to as "Authority") the discretion to make not more than \$25,000,000 of the \$75,000,000 appropriated for the infrastructure fund available for this purpose.

##### FEDERAL PAYMENT FOR MANAGEMENT REFORM

The conference agreement appropriates \$25,000,000 as proposed by the Senate for continued management reform in the District and directs that these funds be used for projects that will enhance government efficiency and service delivery to District residents. The House passed bill had no appropriation for this program. A brief description of three projects to be funded in fiscal year 1999 follows:

*Fire and Emergency Medical Services.*—funding for 55 full-time equivalent positions necessary to place 5 additional EMS units in operation in fiscal year 1999.

*Department of Health Toxicology Lab.*—funding to re-open the Chief Medical Examiner's laboratory and obtain the necessary equipment.

*Technology: District-wide Voice/Data Network.*—funding to implement a high-speed, city-owned fiber network for providing voice and data services.

The conferees direct that none of the funds appropriated for management reform be expended on modification of the Department of Corrections pay plan.

The conferees direct that quarterly status reports on these and all management reform initiatives and projects underway in the District be submitted by the Authority and the Chief Management Officer within 15 days after the end of each quarter until all funds are disbursed. These management reform status reports may be incorporated in any performance accountability reports already required by law or otherwise submitted to Congress by the Authority.

##### FEDERAL PAYMENT FOR BOYS TOWN, U.S.A. OPERATIONS IN THE DISTRICT OF COLUMBIA

The conference agreement appropriates \$7,100,000 and requires quarterly financial reports as proposed by the Senate instead of \$4,000,000, which would be made available after being matched by private contributions of \$3,100,000, as proposed by the House.

##### NATION'S CAPITAL INFRASTRUCTURE FUND

The conference agreement appropriates \$18,778,000 instead of \$21,000,000 as proposed by the House and \$75,000,000, of which \$25,000,000 could be used for metrorail improvements as proposed by the Senate. These

funds are not to be used for studies or projects that restructure, realign, or reengineer various departments or functions or to place more employees on the District's payroll. Instead, the sole purpose of these funds is for infrastructure projects of a substantive nature that directly improve the physical condition of the District of Columbia. The conference agreement requires that the funds be disbursed by the Authority for the repair and maintenance of public safety facilities in the District. The conferees direct that the Authority and the Chief Management Officer submit quarterly status reports on each project within 15 days after the end of each quarter until all funds are disbursed. These status reports may be incorporated in any performance accountability reports already required by law or otherwise submitted to Congress by the Authority.

Subsequent to the passage of H.R. 4380 by the House of Representatives and S.2333 by the Senate Appropriations Committee, the District government was notified by the Federal Highway Administration (FHA) that \$173,000,000 previously earmarked for the District's Barney Circle project is now available to the District's Department of Public Works. Of this sum, \$98,000,000 may be used by the District on local streets. Both the House and Senate appropriations bills contain an appropriation for the repair and maintenance of roads, highways, bridges and transit in the District of Columbia. Based on the unanticipated availability of the transportation funds and the questionable ability of the District to spend additional funds during fiscal year 1999 on transit projects, the conferees direct the infrastructure funds appropriated in this conference agreement be used for the repair and maintenance of the District's public safety facilities. The District's new Chief of Police is undertaking a complete assessment of all Metropolitan Police Department (MPD) facilities. Preliminary estimates indicate that over \$23,000,000 is needed for mechanical, electrical, plumbing, and fire/life safety systems in 70 percent of MPD facilities. In an effort to accelerate these massive infrastructure needs, the conference agreement directs that the total infrastructure appropriation be used for necessary capital improvements to MPD facilities.

##### ENVIRONMENTAL STUDY AND RELATED ACTIVITIES AT LORTON CORRECTIONAL COMPLEX

The conference agreement appropriates \$7,000,000 as proposed by the House for an environmental study at the property on which the Lorton Correctional Complex is located. The Senate reported bill had no appropriation for this program.

##### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

The conference agreement appropriates \$184,800,000 as proposed by the House and the Senate and allocates \$177,385,000 for inmate housing instead of \$178,300,000 as proposed by the Senate, and \$2,440,000 for administrative expenses instead of \$1,525,000 as proposed by the Senate. These allocation changes were made at the request of the Corrections Trustee based on revised budget estimates. The House bill did not allocate the funds. The conference agreement also includes language that requires the appropriation to remain in the U.S. Treasury until needed by the Trustee to pay properly incurred obligations.

##### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

The conference action appropriates \$128,000,000 as proposed by the Senate instead of \$142,000,000 as proposed by the House. The reduction of \$14,000,000 below the House allowance is from the capital outlay program.

The conference action includes language that allocates the funds by programs as proposed by the Senate. In addition, the conference agreement requires that payroll and financial services be provided on a contractual basis with the General Services Administration as proposed by the House instead of by the Department of Agriculture's National Finance Center as proposed by the Senate. The format of the monthly reports is discussed later in this statement.

**Budget for court operations.**—The operating budget for the courts for fiscal year 1999 totals \$121,000,000 and reflects an increase of \$18,000,000 or 14.9 percent above the \$103,000,000 appropriated in fiscal year 1998. The increase of \$18,000,000 or 14.9 percent for fiscal year 1999 should provide the courts with ample resources to properly manage their operations and pay all bills, including attorneys for indigents, on a current basis.

**Attorneys for indigents.**—The courts' failure to pay attorneys for indigents during fiscal year 1998 has caused considerable concern and raised questions about management at the courts. Information submitted by the courts showed that, of the \$25,036,000 budgeted for the Criminal Justice Act program, \$21,083,000 had been disbursed as of August 31, 1998, or roughly \$2,000,000 for each of the eleven months. By that calculation, it appeared that the courts had a balance of \$4,000,000, or twice as much as was needed, for the remaining month of September 1998. However, additional information supplied at the request of certain subcommittee members showed that the courts had reduced payments in July 1998 by two-thirds and had made no payments in August 1998. As a result, the courts owe more than \$5,700,000 to attorneys for indigents as of September 30, 1998. Accordingly, to avoid a similar situation this year, the courts are directed to use the FY 1999 allocation of \$31,936,000 for court appointed attorneys for that purpose and for that purpose only. The courts are further directed to pay immediately all obligations carried over from FY 1998 and prior years using other funds from their FY 1999 appropriation.

**Reporting requirements.**—The courts are directed to submit monthly reports, through the General Services Administration, to the House and Senate Committees on Appropriations, within 15 calendar days after the end of each month, on the status of obligations by object class and a monthly personnel summary by position, full-time equivalent positions (FTE's), and program/function. The obligation report should show, at a minimum, the original operating plan, current operating plan, obligations year to date, percent obligated, planned obligations year to date, percentage deviation from plan year to date, projected total obligations end of year, and projected surplus/deficit.

#### DISTRICT OF COLUMBIA OFFENDER SUPERVISION, DEFENDER, AND COURT SERVICES AGENCY

The conference action appropriates \$59,400,000 as proposed by the House and the Senate and includes language proposed by the Senate to clarify that the allocation for Parole Revocation, Adult Probation and Offender Supervision includes funds to cover expenses relating to supervision of adults subject to protection orders or provision of services for or related to such programs. In addition, the conference agreement includes language that requires the appropriation to remain in the U.S. Treasury until needed by the Trustee to pay properly incurred obligations.

#### OFFENDER SUPERVISION, DEFENDER, AND COURT SERVICES AGENCY

The conference action deletes the appropriation of \$4,000,000 proposed by the House for establishment of a residential sanctions

center for drug testing, intervention, and treatment, and to implement recommendations of the D.C. Truth in Sentencing Commission.

#### FEDERAL PAYMENT FOR METROPOLITAN POLICE DEPARTMENT

The conference action appropriates \$1,200,000 as proposed by the House for the administration and operating costs of the Citizen Complaint Review Office.

#### FEDERAL PAYMENT FOR FIRE DEPARTMENT

The conference agreement appropriates \$3,240,000 as proposed by the House for a 5.5 percent parity pay increase to be effective and paid to fire fighters beginning October 1, 1998.

#### FEDERAL PAYMENT TO THE GEORGETOWN WATERFRONT PARK FUND

The conference agreement appropriates \$1,000,000 as proposed by the Senate for payment to the Georgetown Waterfront Park Fund on a dollar-for-dollar matching basis, in cash or in kind, for the construction and landscaping of property described on the D.C. Surveyor's Plat Number S.O. 84-230.

#### FEDERAL SUPPORT FOR ECONOMIC DEVELOPMENT IN THE DISTRICT OF COLUMBIA

The conference agreement deletes the appropriation of \$500,000 proposed by the Senate to the D.C. Financial Responsibility and Management Assistance Authority to conduct a study and prepare a report on the feasibility of an economic development corporation for the District and the proviso that none of the funds in this or any other Act shall be used to capitalize the National Capital Revitalization Act of 1998 (D.C. Act 12-355).

#### FEDERAL PAYMENT TO HISTORICAL SOCIETY FOR CITY MUSEUM

The conference agreement appropriates \$2,000,000 as proposed by the House for the establishment and operation of a Museum of the City of Washington, D.C. at the Carnegie Library at Mount Vernon Square instead of \$500,000 as proposed by the Senate.

#### FEDERAL PAYMENT FOR A NATIONAL MUSEUM OF AMERICAN MUSIC AND FOR DOWNTOWN REVITALIZATION

The conference agreement changes the heading and appropriates \$700,000 instead of \$1,000,000 as proposed by the Senate and earmarks \$300,000 for the Federal City Council to conduct a needs and design study for a National Museum of American Music as proposed by the Senate, \$300,000 for the Washington Center Alliance to further and promote the objectives of the Interactive Downtown Task Force, and \$100,000 for the New York Avenue Development Task Force instead of \$1,000,000 as proposed by the Senate, of which \$500,000 was for the Historical Society of Washington, D.C. for a needs and design study for a City Museum and Visitors Center and \$500,000 was for the Federal City Council to conduct a needs and design study for a National Museum of American Music.

#### UNITED STATES PARK POLICE

The conference agreement appropriates \$8,500,000 as proposed by the House to acquire, modify and operate a helicopter and to make necessary capital expenditures to the Park Police aviation unit base. The conference agreement requires the Chief of the Park Police to provide quarterly financial reports to Congress on the use of these funds.

#### FEDERAL PAYMENT FOR WATERFRONT IMPROVEMENTS

The conference agreement appropriates \$3,000,000 as proposed by the House to the D.C. Department of Housing and Community Development for a study and improvement in consultation with the U.S. Army Corps of Engineers for necessary improvements to the

Southwest Waterfront in the District. The conference agreement amends the language proposed by the House to clarify the consultative role of the U.S. Army Corps of Engineers and the responsibility of the lessees at the Fish Wharf and Marina to secure private financing for improvements.

#### FEDERAL PAYMENT FOR MENTORING SERVICES

The conference agreement appropriates \$200,000 as proposed by the House for the International Youth Service and Development Corps, Inc., for a mentoring program for at-risk children in the District.

#### FEDERAL PAYMENT FOR HOTLINE SERVICES

The conference agreement appropriates \$50,000 as proposed by the House for the International Youth Service and Development Corps, Inc., for the operation of a resource hotline for low-income individuals in the District.

#### FEDERAL PAYMENT FOR PUBLIC EDUCATION

The conference agreement appropriates \$15,622,000 as a Federal contribution to public charter schools in the District of Columbia instead of \$20,391,000 as proposed by the House. The reduction of \$4,769,000 reflects the actual enrollment count of 3,653 public charter school students in the District rather than the projected enrollment of 4,400 which was the basis for the House amount.

#### FEDERAL PAYMENT FOR MEDICARE COORDINATED CARE DEMONSTRATION PROJECT IN D.C.

The conference agreement appropriates \$3,000,000 to continue a pilot Medicare program in the District as authorized under section 4016(e)(1)(A)(ii) of the Balanced Budget Act of 1997 (Public Law 105-33) to improve the medical treatment received by medically underserved Medicare patients living in the District.

#### FEDERAL PAYMENT FOR CHILDREN'S NATIONAL MEDICAL CENTER

The conference agreement appropriates \$1,000,000 in Federal funds to the Children's National Medical Center for the Community Pediatric Health Initiative. Since 1967, the community health clinics of Children's Hospital have provided pediatric services to high risk children in medically underserved areas. Federal funding for this initiative ended in March 1995. This appropriation reestablishes this important public-private partnership for fiscal year 1999.

#### DISTRICT OF COLUMBIA FUNDS

##### GOVERNMENTAL DIRECTION AND SUPPORT

The conference agreement appropriates \$164,144,000, including \$136,485,000 from local funds as proposed by the House instead of \$164,717,000, including \$137,058,000 from local funds as proposed by the Senate. The conference action also restores a proviso proposed by the House that requires all employees permanently assigned to work in the Office of the Mayor to be paid from funds allocated to the Office of the Mayor.

**Advisory Neighborhood Commissions.**—The conference agreement deletes funding of \$573,000 as proposed by the House. The action to eliminate funding comes after several reports by the D.C. Auditor, including one dated as recently as September 28, 1998, that documents the fact that taxpayer funds are not being spent properly. The action of the conferees does not preclude the District from reprogramming funds for fiscal year 1999 or requesting funds for fiscal year 2000 for ANCs, so long as necessary management controls are enacted by the Council of the District of Columbia to assure that the funds are disbursed for previously reviewed and agreed upon purposes, consistent with the laws, rules and regulations of the District of Columbia.

**Mayoral transition.**—The conferees support a smooth transition of governmental powers

from the incumbent Mayor to the incoming Mayor. This is paramount to the financial recovery of the District of Columbia and the return of home rule. Cooperation between the incoming Mayor, the Council of the District of Columbia, other elected officials and the D.C. Authority is essential for the well being of the District of Columbia and all those who live, work and visit in the Nation's Capital. It is extremely important that the Mayor-elect be provided with the necessary resources as soon as possible after the general election so that he or she will be able to carry out the duties and responsibilities of the office efficiently and effectively after being sworn in. Following the 1990 election, the Council of the District of Columbia approved emergency 90-day legislation (D.C. Act 8-290) "To promote the orderly transfer of executive duties and responsibilities upon expiration of the term of office of a Mayor and the assumption of duties and responsibilities of a new Mayor ..." which provided financial assistance to the new Mayor-elect. The conferees urge local officials to take whatever steps are necessary in a timely manner to ensure a smooth transition of governmental powers from the incumbent Mayor to the Mayor-elect.

#### ECONOMIC DEVELOPMENT AND REGULATION

The conference agreement appropriates \$159,039,000 as proposed by the House instead of \$156,039,000 as proposed by the Senate. The increase of \$3,000,000 above the Senate allowance reflects the Federal contribution of \$3,000,000 discussed earlier for improvements to the Southwest Waterfront in the District. The conference agreement also restores language proposed by the House concerning Business Improvement Districts with an amendment deleting the word "Federal" in identifying the U.S. General Services Administration.

#### PUBLIC SAFETY AND JUSTICE

The conference agreement appropriates \$755,786,000, including \$531,660,000 from local funds, \$30,327,000 from Federal funds and \$193,799,000 from other funds as proposed by the House instead of \$751,346,000, including \$513,160,000 from local funds, \$25,887,000 from Federal funds, and \$212,299,000 from other funds as proposed by the Senate. The increase of \$4,430,000 above the Senate reflects additional Federal funds of \$1,200,000 for the administration and operating costs of the Citizen Complaint Review Office in the Metropolitan Police Department and \$3,240,000 for a 5.5 percent parity pay increase for the District's fire fighters. The conference action also restores the requirement for quarterly reports on the status of crime reduction in each of the 83 police service areas in the District as proposed by the House instead of semi-annual reports as proposed by the Senate.

**Department of Corrections.**—The conferees expect the Department of Corrections (DOC) annual budget to reflect planning for proposed downsizing, actual downsizing and continuing reform to assure the orderly transfer of sentenced felons to the Federal government by December 31, 2001, and to assure that all the necessary steps are taken each year to accomplish this transfer. The conferees request that within 120 days of the enactment of this Act, the District of Columbia Corrections Trustee ("Trustee"), in partnership with the DOC, submit a transition plan detailing what must be accomplished annually to complete transfer by December 31, 2001. Each annual budget submission shall contain a report, prepared by the Trustee and the DOC and based on fully shared information, that details actual progress made by the DOC in meeting the goals of the transition plan. To make full use of the Trustee's background and experience and to assure

successful transfer of the District's sentenced felons, the Trustee should be operationally involved in all matters affecting the DOC and a full partner in decision-making regarding the DOC's budget, operations and functions now funded by the Federal government and transition planning. The conferees expect that the DOC should save significant funds in outside consulting fees and otherwise as a result of involving the Trustee in the operations and functions to be transferred and those that remain with the District.

#### PUBLIC EDUCATION SYSTEM

The conference agreement appropriates \$788,956,000, including \$125,869,000 from Federal funds, instead of \$793,725,000, including \$130,638,000 from Federal funds, as proposed by the House and \$773,334,000, including \$110,247,000 in Federal funds, as proposed by the Senate. The reduction of \$4,769,000 below the House allowance reflects the actual enrollment count of 3,653 for public charter schools instead of the projected enrollment of 4,400 which was the basis for the House amount.

The conference agreement appropriates \$27,857,000 for public charter schools, including \$12,235,000 from local funds and \$15,622,000 from Federal funds instead of \$32,626,000, including \$12,235,000 from local funds and \$20,391,000 from Federal funds as proposed by the House and \$12,235,000 from local funds as proposed by the Senate. The conference agreement restores a proviso proposed by the House which requires that unallocated funds for public charter schools be made available for new public charter schools on a per pupil basis. The conference agreement provides that \$480,000 of the \$27,857,000 for public charter schools be available to the D.C. Public Charter School Board for administrative costs as proposed by the House. The conference agreement does not include three provisos proposed by the House concerning the special revolving fund described in section 172 of last year's bill; a report to Congress on the capital needs of each public charter school; and a requirement that, pending submission of the capital needs report, the Emergency Transitional Education Board of Trustees take appropriate steps to provide public charter schools with assistance to meet capital expenses in a manner equitable to D.C. public schools. The conference agreement restores a proviso proposed by the House that requires the Emergency Transitional Education Board of Trustees to report to Congress by February 1, 1999 on the Board's implementation of its statutorily mandated policy to give preference to newly created public charter schools for surplus public school property.

The conferees are concerned with the disposition of assets purchased with taxpayer funds by charter schools whose charters are revoked or are not renewed. The conferees believe that any unencumbered funds and all equipment and property purchased with public funds must revert to the ownership of the eligible chartering authority that granted the charter or the District of Columbia government, subject to the rights of any party who would hold a security interest or lien in or with respect to the property of such charter school. The Chief Financial Officer, in consultation with District public school officials, eligible chartering authorities, and public charter schools shall establish procedures for reversion of unencumbered funds, equipment and property to the chartering authorities. The procedures for the recovery of equipment and property should include recoverable assets but not intangible or irrecoverable costs such as rental or leasing fees, normal maintenance and renovations. The conferees request a report by January 31,

1999, from the Chief Financial Officer and the other parties involved on the status of these procedures.

The conference agreement makes certain punctuation changes as proposed by the Senate and restores the title of Superintendent of Schools as proposed by the House instead of Chief Executive Officer/Superintendent of Schools as proposed by the Senate.

The conference agreement makes technical changes proposed by the Senate to a proviso proposed by the House concerning assistance by the U.S. Army Corps of Engineers to the school system for facility repairs and improvements and makes the language a general provision (section 132) as proposed by the Senate.

The conference agreement includes a proviso proposed by the House to reimburse the Boy Scouts of America \$244,078 for services provided in fiscal year 1998 on behalf of 12,600 students at 39 public schools. The conference agreement deletes a proviso proposed by the House to expand the Boy Scout program in fiscal year 1999. The conferees urge the Superintendent of Schools to reevaluate the ability of the school system to negotiate an agreement with the National Capital Area Council of the Boy Scouts for the renewal of its program in selected schools.

The conference agreement restores a proviso proposed by the House that prohibits the use of funds in this Act to pay the salaries of any D.C. school teacher, principal, administrator, official, or employee who provides false enrollment or attendance information required under D.C. Code, sec. 31-401 et seq. but requires that the prohibition apply only if the designated personnel *knowingly* engage in such conduct as proposed by the Senate.

The conference agreement deletes language proposed by the House that would have prohibited the use of funds in this Act for pay raises to teachers in the D.C. Public School System (DCPS) who have not passed competency tests. The conferees are concerned that teachers in the DCPS system possess the necessary skills to perform their duties effectively. The conferees are aware that new teachers are required to pass exams testing their skills in reading, writing and mathematics, as well as their knowledge in specific content areas. However, in-service teachers are not required to pass competency tests. The conferees are pleased to learn that DCPS has adopted new teacher performance standards that are based on the work of the National Board for Professional Teaching Standards. The conferees are advised that these standards have been incorporated into a new evaluation system that includes objective, achievement-based measures of performance, mandatory professional development, and an expedited process for the removal of non-performing teachers consistent with procedures to ensure due process. The conferees urge DCPS to incorporate this new system into its teacher evaluation process to ensure that all DCPS teachers meet the established standards and targets for performance by September 2000.

The conference agreement restores a proviso proposed by the House that prohibits the use of any funds in this Act to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary or secondary school unless the nonresident pays tuition to the District at a rate that covers 100 percent of the District's costs as determined by the Superintendent.

#### HUMAN SUPPORT SERVICES

The conference agreement makes technical changes proposed by the Senate to the citation for the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77).

**Commission for Women.**—The D.C. Commission for Women continues to provide outstanding service to the residents of the District of Columbia and particularly women. The Commission's programs in building private-public partnerships to train welfare recipients and assist in placing them in full-time jobs is commendable. Its initiatives with respect to health care education, public safety, and economic development continue to be priorities for the Commission and its all-volunteer Commissioners.

#### PUBLIC WORKS

**D.C. Taxicabs.**—The District of Columbia government should not make any changes affecting cab service between the District of Columbia and the Commonwealth of Virginia without consulting the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives.

#### WASHINGTON CONVENTION CENTER FUND (TRANSFER PAYMENT)

The conference agreement provides a separate appropriation as proposed by the House instead of consolidating this account with several appropriations under "Financing and Other Uses" as proposed by the Senate and inserts the words "Enterprise Fund" to properly identify the fund as proposed by the Senate.

#### REPAYMENT OF LOANS AND INTEREST

The conference agreement provides a separate appropriation as proposed by the House instead of consolidating this account with several appropriations under "Financing and Other Uses" as proposed by the Senate.

#### REPAYMENT OF GENERAL FUND RECOVERY DEBT

The conference agreement provides a separate appropriation as proposed by the House instead of consolidating this account with several appropriations under "Financing and Other Uses" as proposed by the Senate.

#### PAYMENT OF INTEREST ON SHORT TERM BORROWING

The conference agreement provides a separate appropriation as proposed by the House instead of consolidating this account with several appropriations under "Financing and Other Uses" as proposed by the Senate and inserts "from local funds" as proposed by the Senate to indicate the source of the funds.

#### CERTIFICATES OF PARTICIPATION

The conference agreement provides a separate appropriation as proposed by the House instead of consolidating this account with several appropriations under "Financing and Other Uses" as proposed by the Senate and inserts "from local funds" as proposed by the Senate to indicate the source of the funds.

#### HUMAN RESOURCES DEVELOPMENT

The conference agreement provides a separate appropriation as proposed by the House instead of consolidating this account with several appropriations under "Financing and Other Uses" as proposed by the Senate and inserts a description of the purposes of this appropriation and the source of the funds as proposed by the Senate.

#### RECEIVERSHIP PROGRAMS

The conference agreement appropriates \$318,879,000, including \$189,154,000 from local funds, \$96,691,000 from Federal funds, and \$33,134,000 from other funds instead of \$318,979,000, including \$188,439,000 from local funds, \$96,691,000 from Federal funds, and \$33,849,000 as proposed by the House and the Senate. The conference agreement earmarks \$5,000,000 within the budget of the Commission on Mental Health Services as proposed by the Senate to finance capital improvements to community-based housing facilities

for seriously and chronically mentally ill individuals in the District and clarifies that the funds appropriated under this paragraph are for all District agencies under court ordered receivership as proposed by the Senate.

#### D.C. FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

The conference agreement deletes the proviso proposed by the House that would have required the Executive Director and General Counsel of the Authority to repay certain compensation deemed by the Comptroller General to be in excess of the legal limit established in the Authority's enabling legislation (Public Law 104-8) as reported in GAO letter report B-279095.2. The conference agreement limits the salaries that may be paid to the two employees consistent with the statutory rate set forth in section 102 of Public Law 104-8.

The conference agreement deletes the proviso in the House bill that would have required the Authority to provide information on account balances no later than 5 days after the end of each month and inserts language under section 165 of the general provisions that addresses this issue. The conference agreement also deletes a proviso proposed by the House that would have prohibited the use of any funds in this or any other Act to pay the salary or expenses of any officer or employee of the Authority who failed to provide information on account balances.

#### ENTERPRISE FUNDS

##### WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

The conference agreement inserts a new heading "Enterprise Funds" as proposed by the Senate and earmarks \$39,933,000 for the District's debt service fund as proposed by the House instead of \$28,104,000 as proposed by the Senate.

##### LOTTERY AND CHARITABLE GAMES CONTROL BOARD

The conference agreement clarifies that this appropriation is to the Lottery and Charitable Games Enterprise Fund as proposed by the Senate instead of the Lottery and Charitable Games Control Board as proposed by the House.

##### CABLE TELEVISION ENTERPRISE FUND

The conference agreement provides that the source of this appropriation is local funds as proposed by the Senate instead of other funds as proposed by the House.

##### STARPLEX FUND

The conference agreement restores language proposed by the House concerning the use of quotation marks to delineate the title of an Act.

##### D.C. GENERAL HOSPITAL

The conference agreement deletes "Public Benefit Corporation" from the heading as proposed by the Senate.

##### PERSONNEL

The conference agreement inserts a new paragraph as proposed by the Senate that caps the number of FTE positions at 32,900, exclusive of intra-District positions, during fiscal year 1999.

##### CAPITAL OUTLAY (INCLUDING RESCISSIONS)

The conference agreement restores the heading "Including Rescissions" as proposed by the House.

##### GENERAL PROVISIONS

The conference agreement amends section 105 concerning travel expenses and payment of organizational dues by deleting reference to the D.C. Courts as an agency exempt from mayoral control as proposed by the Senate. The National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33) transferred the adminis-

tration and financing of the D.C. Courts to the Federal government.

The conference agreement deletes the proviso in section 106 proposed by the House that directed the District government to refund by September 30, 1999, up to \$17,800,000 of overpayments collected for parking ticket violations. The overpayments were reported by the D.C. Auditor in a report dated March 19, 1998. A news release issued August 4, 1998, by the Department of Public Works states that the department will notify these motorists by mail, newspaper advertisement and the Internet of their overpayments and how to obtain a refund. The Department of Public Works is requested to provide quarterly status reports to the House and Senate Committees on Appropriations within 15 days after the end of each quarter beginning October 1, 1998.

The conference agreement updates the statutory citation in section 107 for the Violent Crime Control and Law Enforcement Act of 1994 as proposed by the Senate.

The conference agreement replaces the reprogramming requirements in section 116 (section 155 of the Senate reported bill) as proposed by the Senate with certain modifications. The revised reprogramming requirements set forth certain criteria for reprogrammings and require the Senate and House Committees on Appropriations to be notified in writing 30 days in advance.

The conference agreement makes technical changes in sections 119 and 120 as proposed by the Senate.

The conference agreement in section 121 designates the Director of the Office of Property Management as the position to make certain determinations as proposed by the House instead of the Chief Financial Officer as proposed by the Senate.

The conference agreement in section 124 makes certain technical changes in the citation as proposed by the Senate.

The conference agreement in section 125 makes certain editorial changes in the proviso as proposed by the Senate.

The conference agreement in section 128 modifies the reporting requirements for the University of the District of Columbia as proposed by the Senate.

The conference agreement restores section number 129 as proposed by the House instead of changing the section number to 128 as proposed by the Senate.

The conference agreement includes language in section 130 proposed by the House and modified by the Senate to place a limit on the payment of fees to attorneys who prevail in administrative proceedings in special education cases instead of prohibiting the payment of such fees as proposed by the House.

The conference agreement restores section number 131 proposed by the House instead of section number 129 as proposed by the Senate.

The conference agreement inserts a new section 132 that allows the U.S. Army Corps of Engineers to assist in the repair and improvement of the District's public school facilities as proposed by the Senate instead of a proviso under the Public Education System appropriation as proposed by the House.

The conference agreement changes section numbers 132 of the House bill and 131 of the Senate bill to 133.

The conference agreement restores section 133 of the House bill which requires certain reports by the Emergency Transitional Education Board of Trustees and changes the section number to 134.

The conference agreement changes section number 134 of the House bill to 135 and restores language proposed by the House that requires the Emergency Transitional Education Board of Trustees and the University

of the District of Columbia to compile accurate position and employee information annually.

The conference agreement changes section numbers 135 of the House bill and 132 of the Senate bill to section 136. The conference agreement also changes the due date for submission of the revised appropriated funds operating budget for the public school system and the University of the District of Columbia from 15 days after the date of enactment of this Act as proposed by the House to 30 days after the date of enactment of this Act as proposed by the Senate. The conference agreement also requires the Superintendent of Public Schools in the District to provide the reports as proposed by the Senate instead of the Emergency Transitional Education Board of Trustees as proposed by the House.

The conference agreement changes section numbers 136 of the House bill and 133 of the Senate bill to section 137. This section requires certain governing authorities to vote on and approve their budgets before submission to the Mayor and Council.

The conference agreement changes section number 137 of the House bill to 138 and restores language proposed by the House concerning the ceiling on total operating expenses. The conference agreement changes the ceiling from \$5,216,689,000 to \$5,211,920,000 to reflect the adjustment for public charter schools.

The conference agreement changes section number 135 of the Senate bill to section 139 and inserts language proposed by the Senate that permits endowment funds held by the University of the District of Columbia to be invested in equity-based securities if approved by the Chief Financial Officer.

The conference agreement changes section number 136 of the Senate bill to section 140 and inserts language proposed by the Senate that requires court-appointed receivers or other court-appointed officials to prepare and submit budgets to the Mayor for inclusion in the city's annual budget.

The conference agreement changes section number 137 of the Senate bill to 141 and restores language proposed by the Senate requiring District officials to submit a report to Congress by April 1, 1999, on measures necessary and steps to be taken to ensure that the District's public schools open on time to begin the 1999-2000 academic year.

The conference agreement deletes section 138 of the House bill concerning energy conservation measures.

The conference agreement changes section numbers 139 of the House bill and 138 of the Senate bill to section number 142. This section concerns the classification of education employees.

The conference agreement changes section number 140 of the House bill to 143 and restores language proposed by the House concerning restrictions on the use of official vehicles. The language is modified to provide the Chief of Police with the discretion to determine the use of official vehicles assigned to the department. This section was further modified at the request of the Chief to allow the department to purchase and donate a vehicle to an officer who was paralyzed after being shot accidentally by one of her fellow officers while she was attempting to arrest a robbery suspect.

The conference agreement changes section 140(b) of the House bill and section 139(a) of the Senate bill to section 144(a) and adds a subsection (b) extending for one year modifications in the District's reduction in force procedures as proposed by the Senate.

The conference agreement changes section number 140 of the Senate bill to 145 and inserts language proposed by the Senate extending the time limit from 50 days to 120

days for the DCPS system to assess and place students in special education programs.

The conference agreement changes section number 141 of the House bill to 146 and restores language proposed by the House concerning compliance with the Buy American Act.

The conference agreement changes section numbers 142 of the House bill and section 141 of the Senate bill to 147 and inserts language proposed by the Senate to make language carried in last year's bill permanent. The language requires the National Education Association to pay local real property taxes on its real property located within the District of Columbia.

The conference agreement changes section number 144 of the House bill to 148 and restores language proposed by the House that requires the annual audit of the District government's financial statements to be conducted by the D.C. Inspector General. The conference agreement modifies the House language to require that procurement of the audit be done pursuant to the D.C. Procurement Practices Act of 1985, as amended. The conference agreement also includes language proposed by the House that requires the annual audit to include a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

The financial plans reflecting those revenues and appropriations follow:

**DISTRICT OF COLUMBIA GOVERNMENT—FISCAL YEAR  
1999 FINANCIAL PLANS**  
(In thousands of dollars)

Revenues and expenditures	Local funds	Grants and other funds	Gross funds
<b>Revenues:</b>			
Local sources, current authority:			
Property taxes .....	674,500		674,500
Sales taxes .....	565,000		565,000
Income taxes .....	1,031,900		1,031,900
Other taxes .....	330,400		330,400
Licenses, permits .....	46,076		46,076
Fines, forfeitures .....	69,450		69,450
Services charges .....	38,745		38,745
Miscellaneous .....	62,351	297,050	359,401
<b>Subtotal, local revenues</b> .....	<b>2,818,422</b>	<b>297,050</b>	<b>3,115,472</b>
<b>Federal sources:</b>			
Federal payments .....	0	1,23,062	23,062
Grants .....	0	1,202,964	1,202,964
<b>Subtotal, Federal sources</b> .....	<b>0</b>	<b>1,226,026</b>	<b>1,226,026</b>
<b>Other financing sources:</b>			
Lottery transfer .....	69,000		69,000
Office of Tax and Revenue Initiatives .....	20,000		20,000
<b>Total, general fund revenues</b> .....	<b>2,907,422</b>	<b>1,523,076</b>	<b>4,430,498</b>
<b>Expenditures:</b>			
Governmental Direction and Support .....	136,485	27,659	164,144
Economic Development and Regulation .....	45,162	113,877	159,039
Public Safety and Justice .....	530,945	224,841	755,786
Public Education System .....	599,987	116,881	716,868
Human Support Services .....	567,844	900,072	1,467,916
Public Works .....	257,242	9,670	266,912
Receiverships .....	189,154	129,825	318,979
<b>Other Financing and Uses:</b>			
Principal and Interest ..	431,623		431,623
D.C. General Hospital Subsidy .....	46,835		
University of the District of Columbia Subsidy .....	40,148		40,148
Washington Convention Center .....	5,400		5,400
Certificates of Participation .....	7,926		7,926
Human Resource Development .....	6,674		6,674
Office of Cable Television .....	2,108		2,108
Banking and Financial Institutions .....	390	250	640
Financial Authority .....	7,840		7,840
Productivity Savings .....	(10,000)		(10,000)

**DISTRICT OF COLUMBIA GOVERNMENT—FISCAL YEAR  
1999 FINANCIAL PLANS—Continued**  
(In thousands of dollars)

Revenues and expenditures	Local funds	Grants and other funds	Gross funds
<b>Total, current operating</b> .....	<b>2,865,763</b>	<b>1,523,075</b>	<b>4,388,838</b>
<b>Surplus (deficit)</b> ..	<b>41,660</b>		<b>41,660</b>
<b>Enterprise Fund Revenues:</b>			
Water and Sewer Administration .....		239,493	239,493
Washington Aqueduct .....		33,821	33,821
Lottery and Charitable Games .....		225,200	225,200
Public Service Commission ..		5,026	5,026
Office of the People's Counsel .....		2,501	2,501
Department of Insurance & Securities Regulation .....		7,001	7,001
D.C. General Hospital .....		66,764	66,764
University of the District of Columbia .....		31,940	31,940
Armory Board (Starplex) .....		8,751	8,751
Retirement Board .....		18,202	18,202
Correctional Industries .....		3,332	3,332
Washington Convention Center .....		48,139	48,139
<b>Total, Enterprise Fund Revenues</b> .....		<b>690,170</b>	<b>690,170</b>
<b>Enterprise Fund Expenditures:</b>			
Water and Sewer Administration .....		239,493	239,493
Washington Aqueduct .....		33,821	33,821
Lottery and Charitable Games .....		225,200	225,200
Public Service Commission ..		5,026	5,026
Office of the People's Counsel .....		2,501	2,501
Department of Insurance & Securities Regulation .....		7,001	7,001
D.C. General Hospital .....		66,764	66,764
University of the District of Columbia .....		31,940	31,940
Armory Board (Starplex) .....		8,751	8,751
Retirement Board .....		18,202	18,202
Correctional Industries .....		3,332	3,332
Washington Convention Center .....		48,139	48,139
<b>Total, Enterprise Fund Revenues</b> .....		<b>690,170</b>	<b>690,170</b>
<b>Revenues versus Expenditures</b>			
<b>Total Operating Revenues</b> .....	<b>2,907,422</b>	<b>2,213,246</b>	<b>5,120,668</b>
<b>Total Operating Expenditures</b> .....	<b>2,865,763</b>	<b>2,213,245</b>	<b>5,079,008</b>
<b>Revenues Versus Expenditures</b> .....	<b>41,660</b>		<b>41,660</b>

<sup>1</sup> Does not include appropriations of \$25,000,000 for Management Reform, \$18,778,000 for Nation's Capital Infrastructure Fund, \$700,000 for a National Museum of American Music and for Downtown Revitalization, and \$3,000,000 for a Medicare Coordinated Care Demonstration Project in the District of Columbia.

The conference agreement changes section numbers 145 of the House bill and 142 of the Senate bill to 149 and restores language proposed by the House concerning reference to an agency previously referred to in the paragraph.

The conference agreement changes section numbers 146 of the House bill and 143 of the Senate bill to section 150.

The conference agreement changes section numbers 147 of the House bill to 151 and restores language proposed by the House concerning voting representation issues.

The conference agreement changes section number 144 of the Senate bill to section 152 and inserts language as proposed by the Senate that requires the Authority to report to Congress on the status of any agreements between the District and nonprofit organizations.

The conference agreement changes section numbers 148 of the House bill and 145 of the Senate bill to 153. This provision repeals the District's residency requirement for District employment.

The conference agreement changes section number 150 of the House bill to 154 and restores language proposed by the House as modified by the Senate to change the effective date of the provision to April 1, 1999 to allow the Corrections Trustee a six month period to relocate inmates classified above

the medium security level from the Youngstown, Ohio correctional facility to other facilities.

The conference agreement changes section number 146 of the Senate bill to 155 and inserts language proposed by the Senate requiring the establishment of a \$150,000,000 reserve fund in the fiscal year 2000 budget.

The conference agreement deletes section 147 of the Senate bill that would have allowed the expenditure of funds that are not a part of the budget approved by the Congress.

The conference agreement changes section number 148 of the Senate bill to 156 and inserts language proposed by the Senate authorizing the Board of Trustees of the District of Columbia Public Library (DCPL) to hire a fund raiser to raise funds from private sources. The conferees support the efforts of the Library's Board of Trustees to raise additional revenues by fund raising. The conferees direct the Board of Trustees to set a reasonable salary for the fund raiser position and to provide the District's Chief Financial Officer with a complete annual accounting of the fund raiser's budget, including all expenses incurred in connection with fund raising activities.

The conference agreement changes section 149 of the Senate bill to section 157 and inserts language proposed by the Senate for the District of Columbia Adoption Improvement Act of 1998.

The conference agreement changes section number 150 of the Senate bill to 158 and inserts language as proposed by the Senate that clarifies and completes the transfer of legal authority and responsibility for adult offender supervision from the Social Services Division of the D.C. Superior Court to the new Offender Supervision Agency established by section 11233 of the Revitalization Act of 1997 (Public Law 105-33).

The conference agreement changes section number 151 of the Senate bill to 159 and inserts language as proposed by the Senate to ratify the Chief Management Officer's employment agreement. The conference agreement deletes language proposed by the Senate which would have authorized the Chief Management Officer, with the approval of the Authority chair, to appoint and fix the pay of additional personnel.

The conference agreement deletes sections 152, 153, and 157 of the Senate bill which would have allowed the Authority to set the annual salary for the Chief Financial Officer of the District, the D.C. Inspector General, and the Executive Director of the Authority.

The conference agreement changes section number 154 of the Senate bill to 160 and inserts language as proposed by the Senate to increase from 3 to 5 years the time limit on contracts between an independent auditor and the D.C. government for the District's annual financial audit.

The conference agreement changes section number 156 of the Senate bill to 161 and inserts language as proposed by the Senate that allows funds previously appropriated for management reform initiatives to remain available for such purposes through fiscal year 1999. The conference agreement limits the amount to \$3,200,000.

The conference agreement inserts a new section 162 that requires the District of Columbia Courts to pay interest to individuals who do not receive prompt payment for goods provided and services rendered to the courts. The courts have failed to pay more

than \$5,000,000 owed to court appointed attorneys for indigents, and this provision is intended to discourage nonpayment in the future.

The conference agreement inserts a new section 163 that makes a technical change in section 147 of the Nation's Capital Bicentennial Designation Act.

The conference agreement inserts a new section 164 that allows a member of the Authority to serve until a successor has been appointed.

The conference agreement inserts a new section 165 that requires the quarterly financial reports from the Chief Financial Officer to include a statement of the balance of each account held by the Authority at the end of the quarter, together with a description of the activities within each such account during the quarter, based on information supplied by the Authority to the Chief Financial Officer.

The conference agreement inserts a new section 166 that prohibits the use of any funds to capitalize the National Capital Revitalization Corporation, or to implement any provisions of the National Capital Revitalization Act of 1998 (D.C. Act 12-355), until at least 30 days after the District of Columbia Financial Responsibility and Management Assistance Authority submits an economic development strategy to the appropriate committees of Congress.

The conference agreement inserts a new section 167 that requires the District government to maintain for fiscal year 1999 the same funding levels as provided in fiscal year 1997 for homeless services in the District and provides an additional \$1,000,000 to be paid to The Doe Fund for its Ready, Willing & Able program.

The conference agreement inserts a new section 168 that requires the Chief Financial Officer to submit a revised appropriated funds operating budget for all agencies of the District government no later than November 1, 1998, or within 30 calendar days after the date of enactment of this Act, whichever occurs later.

The conference agreement inserts a new section 169 to waive the congressional review period for the Oyster Elementary School Construction and Revenue Bond Act of 1998.

The conference agreement changes section number 149 of the House bill to 170 and restores language as proposed by the House to prohibit the use of any funds to distribute needles or syringes for the hypodermic injection of any illegal drug, or for any payment to any individual or entity who carries out any such program.

The conference agreement changes section number 151 of the House bill to 171 and restores language proposed by the House that prohibits the use of funds to conduct any ballot initiative which seeks to legalize or reduce the penalties for possession of certain controlled substances.

The conference agreement deletes section 152 of the House bill which would prohibits the use of funds to carry out any joint adoption of a child between individuals who are not related by blood or marriage.

The conference agreement deletes section 153 of the House bill which would have it unlawful for individuals under 18 years of age to possess any cigarette or other tobacco product in the District of Columbia and imposing penalties for violations.

#### Reporting Requirements

The conferees are concerned by the numerous, sometimes duplicative and overlapping

reporting requirements enacted each year and imposed on various District government entities. Some of the requirements have been submitted to Congress as part of the District's consensus budget, and others have been added during budget deliberations by both the House and Senate Appropriations Committees. Many of these requirements were triggered by the financial and managerial problems that have plagued the District government throughout the past decade. According to the Authority, the District government is subject to 34 reporting requirements pursuant to the fiscal year 1998 appropriations bill and accompanying reports. The DCPS system alone must respond to ten reporting deadlines. Reporting provisions are so numerous that compliance is difficult to monitor.

The Federal Payment Reauthorization Act of 1994 (Public Law 103-373) requires the development of both performance and financial accountability plans for the District government. The Chief Financial Officer has complied with the financial reporting requirements, which were designed to aid the District in eliminating any differences between expenditures from and revenues attributable to each fund of the District government. The District government has made substantial progress in closing the budget shortfalls and has estimated the fiscal year 1998 surplus to be \$302,000,000.

While the District government is behind schedule on the implementation of the Act's performance reporting requirements, the Authority, under the direction of the District's new Chief Management Officer, submitted to Congress the final Performance Accountability Plan for fiscal year 1999 on September 30, 1998. The Plan will improve the District government's accountability through the specification of measurable performance goals and the reporting of actual results.

The combination of quarterly financial accountability reports and annual performance reports will provide Congress with an overview of the District's financial and managerial status, while simultaneously transforming the District government into a performance-based operation with measurable goals and objectives. These reporting requirements are consistent with the reporting standards for all Federal government agencies pursuant to the Government Performance and Results Act of 1993.

The conferees direct the Council of the District of Columbia, the Mayor and the Authority to review the various reporting regulations currently in effect and analyze any redundant or outdated reporting requirements in light of the standards of the Federal Payment Reauthorization Act of 1994. The conferees further direct the Authority to provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives by January 15, 1999, its recommendations for the consolidation and streamlining of reporting requirements contained in the annual District of Columbia appropriations bills.

#### CONFERENCE AGREEMENT

The following tables summarize the amounts, by Federal funds and by District funds for each office or agency, agreed to in this conference:

SUMMARY  
FY 1999 D.C. APPROPRIATIONS BILL

	House Bill		Senate Bill		Conference	
	FTEs	Amount	FTEs	Amount	FTEs	Amount
<b>TITLE I</b>						
<b>FEDERAL FUNDS</b>						
Metrolair Improvements and Expansion .....	0	25,000,000	0	0	0	25,000,000
Federal Payment for Management Reform .....	0	0	0	25,000,000	0	25,000,000
Federal Payment for Boyle Town U.S.A. Operations in the District of Columbia .....	0	4,000,000	0	7,100,000	0	7,100,000
Nation's Capital Infrastructure Fund .....	0	21,000,000	0	0	0	18,778,000
Environmental Study and Related Activities at Lorton Correctional Complex .....	0	7,000,000	0	0	0	<del>3,400,000</del>
Federal Payment to the District of Columbia Corrections Trustee Operations .....	0	184,800,000	0	184,800,000	0	184,800,000
Federal Payment to the District of Columbia Courts .....	0	142,000,000	0	128,000,000	0	128,000,000
District of Columbia Offender Supervision, Defender, and Court Services Agency .....	0	59,400,000	0	59,400,000	0	59,400,000
Offender Supervision, Defender, and Court Services Agency - establishment of a residential sanctions center and drug testing, intervention, and treatment .....	0	4,000,000	0	0	0	0
Federal Payment for Metropolitan Police Department .....	0	1,200,000	0	0	0	1,200,000
Federal Payment for the Fire Department .....	0	3,240,000	0	0	0	3,240,000
Federal Payment to the Georgetown Waterfront Park Fund .....	0	0	0	1,000,000	0	1,000,000
Federal Payment to Historical Society for City Museum .....	0	2,000,000	0	0	0	2,000,000
Federal Payment for a National Museum of American Music and for Downtown Revitalization .....	0	0	0	0	0	700,000
United States Park Police .....	0	8,500,000	0	0	0	8,500,000
Federal Payment for Waterfront Improvements .....	0	3,000,000	0	0	0	3,000,000
Federal Payment to the District of Columbia for the Nation's Capital Infrastructure Fund .....	0	0	0	75,000,000	0	0
Federal Support for Economic Development in the District of Columbia .....	0	0	0	500,000	0	0
Federal Payment for a National Museum of American Music and a City Museum .....	0	0	0	1,000,000	0	0
Federal Payment for Mentoring Services .....	0	200,000	0	0	0	200,000
Federal Payment for Hotline Services .....	0	50,000	0	0	0	50,000
Federal Payment for Public Education .....	0	20,391,000	0	0	0	15,622,000
Federal Payment for Medicare Coordinated Care Demonstration Project in the District of Columbia .....	0	0	0	0	0	3,000,000
Federal Payment for Children's National Medical Center .....	0	0	0	0	0	1,000,000
<b>Total, Title I, Federal funds to the District of Columbia .....</b>	<b>0</b>	<b>485,781,000</b>	<b>0</b>	<b>481,800,000</b>	<b>0</b>	<b><del>480,950,000</del> 494,590,000</b>
<b>TITLE II</b>						
District of Columbia Scholarship Fund .....	0	5,400,000	0	0	0	0
<b>Total, Federal Funds .....</b>	<b>0</b>	<b>491,181,000</b>	<b>0</b>	<b>481,800,000</b>	<b>0</b>	<b><del>480,950,000</del> 494,590,000</b>



	House Bill		Senate Bill		Conference	
	FTEs	Amount	FTEs	Amount	FTEs	Amount
<b>DISTRICT OF COLUMBIA FUNDS</b>						
Operating expenses:						
Governmental Direction and Support .....	2,405	164,144,000	2,405	164,717,000	2,405	164,144,000
Economic Development and Regulation .....	1,263	159,039,000	1,263	156,039,000	1,263	159,039,000
Public Safety and Justice .....	10,032	755,786,000	10,032	751,346,000	10,032	755,786,000
Public Education System .....	11,790	793,725,000	11,790	773,334,000	11,790	788,956,000
Human Support Services .....	3,594	1,514,751,000	3,594	1,514,751,000	3,594	1,514,751,000
Public Works .....	1,694	266,912,000	1,694	266,912,000	1,694	266,912,000
Financing and Other Uses .....	0	0	0	451,623,000	0	0
Washington Convention Center Fund Transfer .....	0	5,400,000	0	0	0	5,400,000
Repayment of Loans and Interest .....	0	382,170,000	0	0	0	382,170,000
Repayment of General Fund Recovery Debt .....	0	38,453,000	0	0	0	38,453,000
Payment of Interest on Short-Term Borrowing .....	0	11,000,000	0	0	0	11,000,000
Certificates of Participation .....	0	7,926,000	0	0	0	7,926,000
Human Resources Development .....	16	6,674,000	16	0	16	6,674,000
Productivity Savings .....	0	(10,000,000)	0	(10,000,000)	0	(10,000,000)
Receivership Programs .....	2,959	318,979,000	2,959	318,979,000	2,959	318,979,000
D.C. Financial Responsibility and Management Assistance						
Authority .....	0	7,840,000	0	7,840,000	0	7,840,000
Water and Sewer Enterprise Fund .....	0	273,314,000	0	273,314,000	0	273,314,000
Lottery and Charitable Games Enterprise Fund .....	100	225,200,000	100	225,200,000	100	225,200,000
Cable Television Enterprise Fund .....	8	2,108,000	8	2,108,000	8	2,108,000
Public Service Commission .....	58	5,026,000	58	5,026,000	58	5,026,000
Office of the People's Counsel .....	24	2,501,000	24	2,501,000	24	2,501,000
Department of Insurance and Securities Regulation .....	89	7,001,000	89	7,001,000	89	7,001,000
Office of Banking and Financial Institutions .....	0	640,000	0	640,000	0	640,000
Starplex Fund .....	0	8,751,000	0	8,751,000	0	8,751,000
D.C. General Hospital (Public Benefit Corporation) .....	0	66,764,000	0	66,764,000	0	66,764,000
D.C. Retirement Board .....	13	18,202,000	13	18,202,000	13	18,202,000
Correctional Industries Fund .....	124	3,332,000	124	3,332,000	124	3,332,000
Washington Convention Center Enterprise Fund .....	0	48,139,000	0	48,139,000	0	48,139,000
Total, operating expenses .....	34,169	5,083,777,000	34,169	5,056,519,000	34,169	5,079,008,000
Capital Outlay:						
General fund .....	0	1,711,160,737	0	1,711,160,737	0	1,711,160,737
Grand Total, District of Columbia Funds .....	34,169	6,794,937,737	34,169	6,767,679,737	34,169	6,790,168,737

Cont'd

## GOVERNMENTAL DIRECTION AND SUPPORT

Agency/Activity	FY 1998 Approved	FY 1999 Request	House recom- mendation	Senate recom- mendation	Conference Allowance
Council of the District of Columbia	8,575,000	9,388,000	9,388,000	9,388,000	9,388,000
Office of the District of Columbia Auditor	919,000	1,048,000	1,048,000	1,048,000	1,048,000
Advisory Neighborhood Commissions	562,000	573,000	0	573,000	0
Office of the Mayor	1,392,000	2,256,000	2,256,000	2,256,000	2,256,000
Office of the Secretary	1,591,000	2,146,000	2,146,000	2,146,000	2,146,000
Office of Communications	90,000	350,000	350,000	350,000	350,000
Office of Intergovernmental Relations	670,000	1,271,000	1,271,000	1,271,000	1,271,000
Office of the City Administrator	3,722,000	926,000	926,000	926,000	926,000
Office of Personnel	9,118,000	8,963,000	8,963,000	8,963,000	8,963,000
Department of Administrative Services	7,921,000	0	0	0	0
Office of Contracts and Procurement	0	17,080,000	17,080,000	17,080,000	17,080,000
Office of the Chief Technology Officer	0	14,924,000	14,924,000	14,924,000	14,924,000
Office of Property Management	0	9,445,000	9,445,000	9,445,000	9,445,000
Contract Appeals Board	634,000	603,000	603,000	603,000	603,000
Tax Revision Commission	500,000	0	0	0	0
Board of Elections and Ethics	2,947,000	2,954,000	2,954,000	2,954,000	2,954,000
Office of Campaign Finance	808,000	920,000	920,000	920,000	920,000
Public Employee Relations Board	413,000	559,000	559,000	559,000	559,000
Office of Employee Appeals	1,139,000	1,213,000	1,213,000	1,213,000	1,213,000
Metropolitan Washington Council of Governments	374,000	374,000	374,000	374,000	374,000
Independent Agencies:					
Office of Inspector General	5,731,000	7,430,000	7,430,000	7,430,000	7,430,000
Office of the Chief Financial Officer:					
Office of the Chief Financial Officer	4,748,000	82,294,000	82,294,000	82,294,000	82,294,000
Office of Budget and Planning	2,001,000	0	0	0	0
Office of Grants Management and Development	14,013,000	0	0	0	0
Office of Finance and Treasury	6,353,000	0	0	0	0
Office of Financial Operations and Systems	12,442,000	0	0	0	0
Office of Tax and Revenue	18,514,000	0	0	0	0
Total, Governmental Direction and Support Appropriation	105,177,000	164,717,000	164,144,000	164,717,000	164,144,000
Plus Intra-District funds	22,755,000	39,796,000	39,796,000	39,796,000	39,796,000
Total	127,932,000	204,513,000	203,940,000	204,513,000	203,940,000

## ECONOMIC DEVELOPMENT AND REGULATION

Agency/Activity	FY 1998 Approved	FY 1999 Request	House recom- mendation	Senate recom- mendation	Conference Allowance
Business Services and Economic Development	46,400,000	18,640,000	18,640,000	18,640,000	18,640,000
Office of Zoning	855,000	956,000	956,000	956,000	956,000
Department of Housing and Community Development	0	52,509,000	55,509,000	52,509,000	55,509,000
Department of Public and Assisted Housing	2,080,000	2,080,000	2,080,000	2,080,000	2,080,000
Department of Employment Services	56,991,000	56,804,000	56,804,000	56,804,000	56,804,000
Board of Appeals and Review	153,000	203,000	203,000	203,000	203,000
Board of Real Property Assessments and Appeals	286,000	293,000	293,000	293,000	293,000
Department of Consumer and Regulatory Affairs	13,307,000	24,554,000	24,554,000	24,554,000	24,554,000
Total, Economic Development and Regulation Appropriation	120,072,000	156,039,000	159,039,000	156,039,000	159,039,000
Plus Intra-District funding	13,699,000	3,634,000	3,634,000	3,634,000	3,634,000
Total	133,771,000	159,673,000	162,673,000	159,673,000	162,673,000

## PUBLIC SAFETY AND JUSTICE

Agency/Activity	FY 1998 Approved	FY 1999 Request	House recom- mendation	Senate recom- mendation	Conference Allowance
Metropolitan Police Department	266,779,000	295,654,000	296,854,000	295,654,000	296,854,000
Fire and Emergency Medical Services Department	98,779,000	101,566,000	104,806,000	101,566,000	104,806,000
Police and Fire Retirement System	47,700,000	35,100,000	35,100,000	35,100,000	35,100,000
Office of the Corporation Counsel	12,616,000	39,835,000	39,835,000	39,835,000	39,835,000
Settlements and Judgments	14,800,000	19,700,000	19,700,000	19,700,000	19,700,000
Department of Corrections	85,167,000	254,857,000	254,857,000	254,857,000	254,857,000
National Guard	858,000	1,783,000	1,783,000	1,783,000	1,783,000
Office of Emergency Preparedness	2,837,000	2,627,000	2,627,000	2,627,000	2,627,000
Commission on Judicial Disabilities and Tenure	125,000	138,000	138,000	138,000	138,000
Judicial Nomination Commission	78,000	86,000	86,000	86,000	86,000
Total, Public Safety and Justice Appropriation	529,739,000	751,346,000	755,786,000	751,346,000	755,786,000
Plus Intra-District funding	10,478,000	10,500,000	10,500,000	10,500,000	10,500,000
Total	540,217,000	761,846,000	766,286,000	761,846,000	766,286,000

## PUBLIC EDUCATION SYSTEM

Agency/Activity	FY 1998 Approved	FY 1999 Request	House recom- mendation	Senate recom- mendation	Conference Allowance
Board of Education (Public Schools)	564,129,000	644,805,000	644,805,000	644,805,000	644,805,000
Public Charter Schools	1,235,000	12,235,000	32,626,000	12,235,000	27,857,000
Teachers' Retirement System	8,900,000	18,600,000	18,600,000	18,600,000	18,600,000
University of the District of Columbia	74,087,000	72,088,000	72,088,000	72,088,000	72,088,000
Public Library	22,036,000	23,419,000	23,419,000	23,419,000	23,419,000
Commission on the Arts and Humanities	2,057,000	2,187,000	2,187,000	2,187,000	2,187,000
Total, Public Education System Appropriation	672,444,000	773,334,000	793,725,000	773,334,000	788,956,000
Plus Intra-District Funding	10,970,000	12,791,000	12,791,000	12,791,000	12,791,000
Total	683,414,000	786,125,000	806,516,000	786,125,000	801,747,000

## HUMAN SUPPORT SERVICES

Agency/Activity	FY 1998 Approved	FY 1999 Request	House recom- mendation	Senate recom- mendation	Conference Allowance
Department of Human Development	634,669,000	391,416,000	391,416,000	391,416,000	391,416,000
Department of Health	961,128,000	996,080,000	996,080,000	996,080,000	996,080,000
Department of Recreation and Parks	22,889,000	24,119,000	24,119,000	24,119,000	24,119,000
Office on Aging	17,349,000	17,616,000	17,616,000	17,616,000	17,616,000
Public Benefit Corporation Subsidy	44,335,000	46,835,000	46,835,000	46,835,000	46,835,000
Unemployment Compensation Fund	10,678,000	10,678,000	10,678,000	10,678,000	10,678,000
Disability Compensation Fund	21,089,000	21,089,000	21,089,000	21,089,000	21,089,000
Department of Human Rights	927,000	1,044,000	1,044,000	1,044,000	1,044,000
Office on Latino Affairs	636,000	655,000	655,000	655,000	655,000
Commission for Women	20,000	0	0	0	0
D.C. Energy Office	5,219,000	5,219,000	5,219,000	5,219,000	5,219,000
Total, Human Support Services Appropriation	1,718,939,000	1,514,751,000	1,514,751,000	1,514,751,000	1,514,751,000
Plus Intra-District funding	5,224,000	7,232,000	7,232,000	7,232,000	7,232,000
Total	1,724,163,000	1,521,983,000	1,521,983,000	1,521,983,000	1,521,983,000

## PUBLIC WORKS

Agency/Activity	FY 1998 Approved	FY 1999 Request	House recom- mendation	Senate recom- mendation	Conference Allowance
Department of Public Works	110,315,000	118,281,000	118,281,000	118,281,000	118,281,000
Department of Motor Vehicles	0	12,065,000	12,065,000	12,065,000	12,065,000
Taxicab Commission	848,000	716,000	716,000	716,000	716,000
Washington Metropolitan Area Transit Commission	91,000	81,000	81,000	81,000	81,000
Washington Metropolitan Area Transit Authority (Metro)	127,230,000	132,319,000	132,319,000	132,319,000	132,319,000
School Transit Subsidy	3,450,000	3,450,000	3,450,000	3,450,000	3,450,000
Total, Public Works Appropriation	241,934,000	266,912,000	266,912,000	266,912,000	266,912,000
Plus Intra-District Funding	39,143,000	22,274,000	22,274,000	22,274,000	22,274,000
Total	281,077,000	289,186,000	289,186,000	289,186,000	289,186,000



## FINANCING AND OTHER USES

Agency/Activity	FY 1998 Approved	FY 1999 Request	House recom- mendation	Senate recom- mendation	Conference Allowance
Washington Convention Center Transfer Payment	5,400,000	5,400,000	5,400,000	5,400,000 1/	5,400,000
Repayment of Loans and Interest	384,430,000	382,170,000	382,170,000	382,170,000 1/	382,170,000
Repayment of General Fund Recovery Debt	39,020,000	38,453,000	38,453,000	38,453,000 1/	38,453,000
Interest on Short-Term Borrowing	12,000,000	11,000,000	11,000,000	11,000,000 1/	11,000,000
Certificate of Participation	7,923,000	7,926,000	7,926,000	7,926,000 1/	7,926,000
Inaugural Expenses	0	0	0	0	0
Human Resources Development	6,000,000	6,674,000	6,674,000	6,674,000 1/	6,674,000
Deficit Reduction and Revitalization	201,090,000	0	0	0	0
Total, Financing and Other Uses	655,863,000	451,623,000	451,623,000	451,623,000 1/	451,623,000
D.C. Financial Responsibility and Management Assistance Authority	3,220,000	7,840,000	7,840,000	7,840,000	7,840,000
Productivity Savings	0	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)
Total, Financing and Other Uses	659,083,000	449,463,000	449,463,000	449,463,000	449,463,000

1/ Senate combined into one appropriation "Financing and Other Uses".